

HEARING ON SECURING THE VOTE: NEW MEXICO

HEARING
BEFORE THE
COMMITTEE ON HOUSE
ADMINISTRATION
HOUSE OF REPRESENTATIVES
ONE HUNDRED NINTH CONGRESS
SECOND SESSION

HEARING HELD IN LAS CRUCES, NM, AUGUST 3, 2006

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SECURING THE VOTE: NEW MEXICO

THURSDAY, AUGUST 3, 2006

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The committee met, pursuant to call, at 9 a.m., at the Memorial Medical Center, Conference Room A and B, 2450 Telshor Boulevard, Las Cruces, New Mexico, Hon. Vernon J. Ehlers (chairman of the committee) presiding.

Present: Representatives Ehlers and Lofgren.

Also Present: Representative Pearce.

Staff Present: Peter T. Sloan, Professional Staff.

The CHAIRMAN. The Committee will come to order.

I'm very pleased to be in Las Cruces. I hate to admit it, this is my first time here. And I have been in New Mexico many times, but never in this corner.

I have to admit I was surprised to find it 20 degrees cooler than my home state of Michigan. It's usually the other way around. But we are having a heat wave, and you're having cool weather and rain.

First of all, I would like to ask all members of our audience here today to please silence all cellular phones, pagers, other electronic equipment to prevent interruption of the hearing. It is very disconcerting for a witness, who is terrified to be in front of terrible people like me, to suddenly have a phone ringing behind them. So please turn off all your electronic equipment. Thank you very much.

Also, a few housekeeping items we need to attend to before the beginning of the hearing. Due to strict time limits, the Chair will be enforcing the five-minute rule for timing of both witnesses and members. This means that witnesses are limited to a five-minute time frame for their presentation, and that members, when they ask questions, will be limited to a five-minute time frame for questioning.

Without our usual timing machines available to indicate when the five-minute time frame has elapsed—you see, in the Congress, we have lights that go off and trapdoors that open up if we speak too long. We don't have that here, so I will simply tap my gavel on the block once to indicate that four minutes is up. And then, at five minutes, I'll remind you again. And I will do the same with member questions as well. And I ask everyone to try to be brief when answering questions of members.

There are a number of witnesses here, and we have three members of Congress here who will be asking questions. So we'd like

to give everyone an opportunity to say everything they want to say or ask everything they want to ask.

I'm very pleased to introduce the other members of the panel. By the way, I'm Vernon Ehlers from Michigan. I'm Chair of the Committee on House Administration.

And to my left is Ms. Zoe Lofgren from the San Francisco Bay area—the southern Bay area, a very valued member of the committee, also an attorney, which is always helpful to us.

And to my right, a member of the House of Representatives from the wonderful State of New Mexico, Steve Pearce. We're in his territory. He was good enough to join us.

And I ask unanimous consent that the gentleman from New Mexico, Representative Steven Pearce, be allowed to join us on the dais today, that he may be able to ask questions of the witnesses, enter a statement into the record, and preside for brief occasions if the Chair has to leave. Without objection, so ordered.

We just have to go through that formality to welcome him and give him the privilege of speaking and asking questions.

The committee is very pleased to be here today in Las Cruces for a field hearing on securing the vote. Today the committee will be looking into the issues raised by identification requirements and voting by non-citizens in federal elections.

New Mexico has been grappling with these issues at the state level. And I thought, personally, that you would probably know a great deal about this and could be very helpful to us. So the committee hopes to gain some insight and perspective today by hearing from people who have been dealing with these issues firsthand. In short, we want to learn from you.

My goal is very simple: To ensure that every citizen's vote in this nation will be accurately counted, and that everyone who wishes to vote will be allowed to vote, and that his or her vote will not be diluted by illegal votes or fraudulent miscounting of votes.

Those who doubt that every vote matters need only look to New Mexico. The margins of victory in this state in each of the last two presidential elections show the importance of every single vote.

In the election of 2000, Presidential Candidate Al Gore won the popular vote in New Mexico by just 365 votes out of almost 600,000 cast. Incidentally, the margin in Florida that year was 537, a more populous state. In 2004, President Bush won the popular vote in New Mexico by a slightly larger margin of 5,988 votes out of 756,000 cast.

These slim margins of victory highlight the importance of ensuring that every vote cast in an election is a valid one, cast by an eligible citizen and accurately recorded. While there may be disagreement over the scope and magnitude of voting errors and fraud, these numbers clearly demonstrate that when the margins are this close, even a small amount of fraud or error can sway an election.

New Mexico has dealt with many election reforms, including identification requirements. While New Mexico's state legislature has passed an ID bill, debate continues in the state about the sufficiency and effectiveness of this law and whether or not it provides adequate protections to ensure electoral integrity. Elections are too important to be operated on an honor system. We cannot rely upon

the honor of those among us who are inclined to commit fraud. We must ensure that we have procedures in place that protect the franchise.

It has often been said that the purpose of the Help America Vote Act, better known as HAVA, was to make it easier to vote and harder to cheat. The election that will occur in November will be the first national election to occur with all the requirements of HAVA in place. Today's hearing will give us an opportunity to hear more about what is being done in the states to protect the franchise. And we do plan to carry this hearing to a number of different states so we can learn from a number of different localities.

I certainly look forward to getting some outside-the-beltway perspective on these issues. And I'm sure you've all heard about the problems inside the beltway.

I thank all of our witnesses for coming. I look forward to their testimony.

[The information follows:]

Opening Statement

Good morning ladies and gentleman. The Committee on House Administration will come to order. The Committee is pleased to be here today in Las Cruces for a field hearing on securing the vote. Today the committee will be looking into the issues raised by identification requirements and voting by non-citizens in federal elections. New Mexico has been grappling with these issues at the state level, so the Committee hopes to gain some insight and perspective today by hearing from people who have been dealing with them first hand. In short, we are not here to tell you what to do; we want to learn from you. My goal is very simple: to ensure that every citizen's vote will be accurately counted, and that his or her vote will not be diluted by illegal votes or fraudulent miscounting of votes.

Those who doubt that every vote matters need only look to New Mexico. The margins of victory in this state in each of the last two Presidential elections show the importance of every single vote. In the election of 2000, presidential candidate Al Gore won the popular vote in New Mexico by just **365 votes**, out of almost 600,000 cast (598,606 to be precise). Incidentally, the margin in Florida that year was 537.

In 2004, President Bush won the popular vote in New Mexico by a slightly larger margin of 5,988 votes (756,304 cast).

These slim margins of victory highlight the importance of ensuring that every vote cast in an election is a valid one – cast by an eligible citizen and accurately recorded. While there may be disagreement over the scope and magnitude of voting errors and fraud, these numbers clearly demonstrate that, when the margins are this close, even a small amount of fraud or error can sway an election.

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I thank all of our witnesses for coming and look forward to their testimony.

At this time, I would like to recognize my fellow Committee Member, Ms. Zoe Lofgren, for any opening remarks she may have.

The CHAIRMAN. At this time, I would like to recognize my fellow committee member, Ms. Zoe Lofgren, for any opening remarks she may have.

Ms. LOFGREN. Thank you, Mr. Chairman.

And as with you, I thank the people of Las Cruces for their hospitality. This is also my first time for being in Las Cruces, and it's a lovely place.

I will say that with gas at \$3.46 a gallon the last time I filled up, and with Israel and Hezbollah in a terrific fight that threatens the peace and the stability of the world, with the situation in Iraq unabated, and the Secretary of Defense on the hot seat right now before the Senate Armed Services Committee, it does seem that this is not the most important issue that faces our nation today.

However, I came here today to make sure that there was full attendance from the committee. I do believe with this, the first hearing that we've had on this subject, and the hearing that we held in Washington provided almost no evidence that people who are here illegally are voting, but it did provide substantial evidence that individuals who might be asked to prove with a photo ID that they were citizens would disproportionately—Americans would disproportionately be disadvantaged.

And in fact, the evidence that we received in our hearing in Washington indicated that those who would be most disadvantaged by the photo ID requirement, American citizens, would be African-Americans. And in fact, there was a study done in Milwaukee—I was astounded by this result, but when you think about it, it makes sense—that among African-American men, age 18 to 24, 78 percent of those young men, American citizens, did not have a driver's license or other photo ID. Why? Because they didn't have any money, and they didn't have a car.

And so the HAVA act was meant to put some order in the system, but the real effort was to make sure that Americans had an opportunity to fully vote and participate in elections. Everybody knows that only Americans are allowed to vote. There is no dispute on that. So any effort that would go after kind of a phantom problem, and in the process, disadvantage large numbers of Americans who want to be able to vote would be the wrong—the wrong approach, in my judgment.

Now, I—as the Chairman knows, I have a great deal of respect for Chairman Ehlers. We've served together not only on this committee and on the Science Committee, so this comment does not relate to him but to his party. This hearing is really part of a pattern throughout this recess, and I think it's important to put this into context. There are, as I counted, 27 so-called field hearings on immigration being held by various committees around the country. Appropriations, Armed Services, Education, Workforce, Government Reform, Homeland Security, the Intelligence Committee, the International Relations Committee, the Judiciary Committee, the Science Committee, the Ways and Means Committee, all are out holding hearings on immigration. And I think it's pretty clear that it's an effort to try and stir up an issue for political ends, and I think that that is unfortunate.

I will say that I will listen very carefully to all the testimony. I'm very honored that people took the time and made the effort to be

here. The fact that this is a politicized effort is not the problem of the witnesses who have taken their time to be here, but I do think that that is what the game plan is for the party. And I'm here really to call attention to that fact and also to fully participate.

So thank you, Mr. Chairman, for recognizing me for my statement. I look forward to further questions of the witnesses.

The CHAIRMAN. Thank you for your comments.

One thing I neglected to announce, we do not permit applause. Occasional laughter, maybe, if you have a reason for it, but no applause or other demonstrations. We like to maintain a decorum in the committee.

Next, I'm pleased to welcome your Representative Steven Pearce to make his opening statement.

Mr. PEARCE. Thank you, Mr. Chairman, for the opportunity to visit and be a part of this panel. I don't normally sit on the committee, and so it's only with the consent of all members that I sit here. So I appreciate that and welcome you to the district, you and Ms. Lofgren. I would just kindly request that before you leave town, you spend lots of money.

We—you are being treated to an unusual sight in New Mexico, and that's rain. Yesterday, I had a constituent saying, We're always praying for rain. Now we probably need to pray for it to stop. And I would just like to caution my constituents, last time we prayed for it stop, it quit for 12 years. So let's ask that it slow down a bit.

But we are dealing with the water quite well in most circumstances and help is going to different districts.

We are joined today by Suzie Cordero from Senator Domenici's office. I saw Representative Mary Helen Garcia, who I went to the legislature with at my freshman year. We were both freshmen together. Served on the Appropriations Committee—ah, right here in the front row—a great public servant.

Representative Joseph Cervantes is somewhere in the audience, way in the back. We appreciate you coming out today. Another fine representative.

And Bishop Ricardo Ramirez is here this morning. I got a letter from him when I voted against the bill that our office almost completely crafted. We did about 75 percent of the work on the House Immigration Bill, and then certain pieces of it were added on the floor which we felt like extended it too far, and voted against that. We appreciate that letter of support.

Beginning right after the 2002 election, we submitted information to the House of Representatives about fraud that was occurring in the election process where I was elected. In fact, everyone in this county knows that the county clerk from that point—from that period of time of 2002, Ruben Ceballos, was actually indicted on more than 10 counts of voter fraud and eventually convicted of that.

And so I think, Mr. Ehlers, that I'm glad you're here talking about the broader aspect of voter reform.

As it eases up to the question of illegals voting, I would just urge caution because 47 percent of the members of this district are Hispanic, and I would hate for the attempt to find the illegals voting would cross across the line and begin to just identify randomly, be-

cause many people have been here longer than my family—Hispanic residents, they have been here longer than my family. And I would urge caution at that point.

But I appreciate the fact that you're here.

The immigration issue does not need stirring up. It's been about as hot and as volatile as any issue that we have. And so if it takes 27 field hearings to—to really get closer to the truth, I think we should take the time to get closer to the truth; that we should know when we pass legislation in Congress, that it is actually reflective of the will of the people.

And so I appreciate the fact that you're here, the fact that you're taking the testimony of people from New Mexico, because I think that—that it's one of the most important issues. If we, as American people, lose confidence in the voting system and in our right to vote and in the sacredness of our vote, we will go a long ways to undermining the democracy and the freedom that we're fighting for in other countries at this particular time.

So I look forward to the testimony today, and we look forward to being able to question witnesses.

I thank again the Chairman for his indulgence to sit on the committee.

The CHAIRMAN. Thank you very much and I appreciate your presence.

I also want to mention that we have a representative from Senator Domenici's office here as well, and I appreciate that. I've worked with Senator Domenici on a number of issues. We are both interested in science—I'm a scientist. He sits on committees that deal with science, and we have been able to collaborate on some important issues, and he's a very fine senator. I'm pleased you sent him to Washington.

I'd also like to clarify a point which was made by Mr. Pearce, and that is, this not a hearing devoted to talking about illegal immigrants. I've been on the House Administration Committee, which is responsible for election issues, been on that committee for quite a few years now. And it was astounding to me—because I always assumed Americans were honest, they would vote honestly and so forth, I was just astounded at the number of illegal votes that get cast. I remember particularly an election in North Carolina which we had to oversee, and the fraud that was there was just incredible.

So don't misunderstand the purpose of the hearing. I am opposed to all illegal voting. I'm also very strongly in favor of everyone voting who wishes to vote and is legally entitled to do that.

I would like to welcome our first and only panel of the day. We have with us the Representative Justine Fox-Young of the New Mexico House of Representatives; Vickie Perea, a former member of the Albuquerque City Council; Daniel Bryant, an attorney; Jennifer Hensley, an advocate with the New Mexico Protection and Advocacy System, Incorporated; Kimmeth Yazzi, the program and project specialist with the Navajo Election Administration; and Kathleen Walker—I'm sorry, there you are—partner at Kemp Smith. Welcome all, and we look forward to your testimony.

All right. It's my pleasure today to introduce Representative Fox-Young. And you have five minutes for your testimony.

**STATEMENT OF JUSTINE FOX-YOUNG, NEW MEXICO STATE
REPRESENTATIVE, HOUSE DISTRICT 30**

Ms. FOX-YOUNG. Thank you, Mr. Chairman, members of the committee. Thank you for the invitation to testify today. We are happy to have you in New Mexico.

My name is Justine Fox-Young. I serve in the New Mexico House of Representatives, in District 30 in Albuquerque.

I drove down this morning. We do a lot of driving in New Mexico. It's a big state, and there's a lot of country to cover. But I drove down, and I was reminded of the—what are here famous words, of Lou Wallace, who was the territorial governor from 1878 to 1881, who said that "All calculations based on our experiences elsewhere fail in New Mexico."

This is—as I came into first light coming into Truth or Consequences, New Mexico, and a parasailer came over the highway about 50 feet above me and kind of cruised on, just coasting over. Shortly after that, a light rain started, which turned to driving rain. And then coming into Cruces, the sky opened, the light came down, and it was just absolutely lovely, as it often is here.

But I just think it's important—and as the committee is acutely aware, each state is different, and we all have our preferences as elections are concerned. New Mexico certainly has its idiosyncrasies, but it's important to note that our local election officials do an extraordinary job with the resources that they have.

I, personally, in state legislature, have carried a number of election reform bills covering voter ID, provisional ballots, counting procedures, voting machine testing procedures and others. And I think there are few issues more important than ensuring free and fair elections in New Mexico. So I'm here today because of my concern for the election process here.

On the issue of illegal immigrants voting here, it's extremely difficult to quantify the problem because we have no database. Although I know that many federal and state agencies have the components to do it, we have no data available to local officials to validate citizenship and—alongside voter registration polls. So I think it's very clear, based upon all the evidence from the 2000 election and 2004 election and others that the potential for fraud exists here as it relates to illegal immigrants, but it's difficult to quantify.

I'd just say that in the months leading up to the general election in 2004, there were over 150,000 new registrants in New Mexico. There are significant incentives for 527 groups and their agents to register new registrants all over the country. Here, we finally reached the million mark in 2004 with over a 15 percent increase in registrants. And in Bernalillo County alone, there were over 3,000 registrations caught, so to speak, by the Bernalillo County Clerk.

And I've included examples here. I won't go through all of them. However, if you look at Exhibit A briefly, the sorts of things that we've seen here aren't, I'm sure, terribly different from what you see in other states, but numerous duplicate registrations at single addresses, 13- and 15-year-olds registered to vote.

There is a letter, in Exhibit A, from an individual, Mr. James Dickey from Tucson, Arizona, who received a voter registration card here in New Mexico despite the fact that he had not been a

New Mexico resident for over nine years. He had to petition to be removed from the voter roster. This is not unusual. In fact, as I said, you know, we have seen thousands and thousands of these and continue to do so.

Exhibit B includes examples from the 2000 election that are very similar. Instances where individuals who appear to be deceased here in Dona Ana County, for whom obituaries ran, were present on the 2000 voter roster and voted. Clear—clear indicators that there is a problem. Not necessarily an absolute. But our state election officials have not, to my mind, adequately addressed some of these issues.

In each case where we find what appears to be fraudulent—and some fraudulent registration and fraudulent voting, there is no systematic method for detecting this. Even after HAVA, even after the election reforms that we've put in place here, even after the very loose sort of voter IDs that the legislature passed in the last election, sometimes, you know, through a fortuitous sequence of events, we find things. More often than that, we don't.

And so I'm in no position to produce a credible figure of the number of fraudulent votes that there may be and certainly of the number of illegal immigrants who are registered to vote. However, I can tell you that in New Mexico over—now, like over 30,000 individuals who are illegal immigrants have received driver's licenses, and every single one of them is asked whether or not they would like to register to vote as part of the Motor Voter Act. And so there—there are likely huge numbers who did subsequently register. We have anecdotal information that this committee has seen on that issue.

On the general issue of voter ID, it's reasonable to assume that the individuals, the population who are perhaps most suspicious of the voting process here and anywhere else are new registrants. In 2004, a national polling firm conducted a poll of 500 new registrants, and that is attached—the key findings of that poll are attached as Exhibit C in my testimony—and found that 99 percent of those folks, if asked to produce some form of ID, would be happy to, that it wasn't an overly burdensome request and it wouldn't prevent them from voting. So a summary of key findings is there.

But the second important development on this issue, the general voter identification in New Mexico, the city of Albuquerque recently enacted a new ordinance, which is a strict voter ID ordinance—photo voter ID. And unlike some other areas, we did provide free ID for these folks and that has worked beautifully and worked beautifully in the last general election.

Is that five minutes?

The CHAIRMAN. Yes.

Ms. FOX-YOUNG. Okay. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much for your testimony.

[The statement of Ms. Fox-Young follows:]

**TESTIMONY BY JUSTINE FOX-YOUNG,
STATE REPRESENTATIVE,
HOUSE DISTRICT 30**

Mr. Chairman and members of the committee, thank you for the invitation to testify today. My name is Justine Fox-Young and I currently serve in the New Mexico House of Representatives, representing District 30 in Bernalillo County. I am here today out of concern for the election process in New Mexico. Over the past couple of years I have run several of my own campaigns for state office and have been personally involved in election litigation to protect voters' rights. I have sponsored election reform legislation in several areas, including bills to require photo voter identification, set standards for provisional ballot counting, recount procedures and voting machine testing. As a result of voter registration fraud and of systemic problems with the election process, I am concerned that the integrity of the voting process has been compromised in New Mexico.

NM Voter Fraud As It Relates To Illegal Immigrants

Without access to a database of illegal immigrants, it is extremely difficult to quantify the problem of voting by these individuals in New Mexico. While myriad federal and state agencies may have data which could be compared with the state's database of registered voters, no such data are available to local election officials to check or validate voter registration rolls. It is unmistakably clear; however, that the potential for fraud exists as it relates to illegal immigrants in the registration and voting process.

In the months leading up to the general election in 2004, there were over 150,000 new registrants in New Mexico, representing an increase in the total voting population of more than 15%. As this committee is acutely aware, employees of some 527 groups are incentivized to register as many voters as possible, regardless of their eligibility. As a result, the election in New Mexico was fraught with fraudulent voter registrations. The Bernalillo County Clerk reported more than three thousand fraudulent registrations and of these, media reports highlighted the registration of a couple of thirteen year olds, numerous felons as well as many duplicate registrations. This pervasive voter registration fraud seriously undermines public confidence in the election process. I have attached some materials exemplifying the types of registration fraud that were most common in the months leading up to the 2004 election. Examples are included in Exhibit A. Examples from the 2000 election are included as Exhibit B:

- A sampling of photocopies of new voter registration cards which were returned to the Bernalillo County Clerk as "undeliverable" by the USPS. It is important to note that these are registrations that made it through the clerk's initial checks and generated voter registration cards. They were only flagged as fraudulent as a matter of happenstance. The notations were made by staff of the clerk's office.
- Several examples of duplicate registrations submitted in close proximity to one another. Signatures on the registration forms do not match and appear to be forged.

- A letter from Ms. Susan Gordon of Albuquerque, the mother of a 15 year old who was registered to voter twice with copies of the voter registration cards. She and another parent, Albuquerque police officer Glen Stout, had to petition the clerk to have their children removed from the voter roster.
- A letter from Mr. James Dickey of Tucson, AZ who received a voter registration card despite the fact that he had not been a New Mexico resident for over nine years. He had to petition the clerk to be removed from the voter roster.

In each case, fortuitous circumstances led the county clerk to identify registrations as fraudulent. There is no systematic method for detecting fraud. Over 3,000 fraudulent registration forms were "caught" in Bernalillo County alone; however, there is no way of estimating the number of fraudulent registrations that made it into the voter roster. As the stakes in federal elections grow ever higher, particularly in swing states like New Mexico, the value of new registrants will continue to increase. As a result, agents of 527 groups will continue to find ways to generate more registrations, fraudulent or not. Despite efforts to regulate their activities at both the state and federal levels, economic incentives will continue to guide their practices. The as yet unregistered millions of voters, including the estimated 10-20 million illegal immigrants in the U.S., will by necessity be a target of 527 groups.

I am in no position to produce a credible figure of the number of illegal immigrants who are registered to vote; however, a Congressional Research Service report from September of 2005 indicated that more than 25 states did not require proof of legal presence in the United States in order to apply for and obtain a driver's license. Every individual who applies for a driver's license is asked if they want to register to vote. Voter rolls in the United States, particularly in states that allow illegal immigrants to obtain driver's licenses, are inflated by non-citizens who are registered to vote. How many in New Mexico? In an AP Press article dated February 12, 2006, the New Mexico Secretary of Taxation and Revenue stated that "Since its [state law allowing foreign nationals to present a passport, tax id number or consular id card to obtain a license] passage, about 27,000 immigrants have obtained licenses." Governor Richardson has since directed the state Motor Vehicles Division to audit records to determine whether driver's licenses were issued based on authentic documents. Of the sizable number of illegal immigrants who have obtained licenses, it is unclear how many submitted authentic documents. It is also unclear how many of these individuals were subsequently registered to vote.

Voter Identification

It is reasonable to assume that the individuals who are most suspicious of the voting process and perhaps least adept at navigating the system are new registrants. These are the individuals one might expect would have the most difficulty producing a form of voter identification. In 2004, the national polling firm Public Opinion Strategies conducted a survey of 500 new registrants in New Mexico. Asked to produce some form of voter identification, 99% of new registrants said they would be able to show one. Less than one percent of new registrants believe that having to show identification would stop them from voting. A summary of key findings from this survey is attached as Exhibit C.

Here in New Mexico, the City of Albuquerque recently adopted an ordinance requiring that voters produce photo identification to vote in local elections. This rule was supported by Democrat Mayor Chavez and passed with 77% of the voters in favor of adopting the rule. Voters in neighboring Arizona overwhelmingly adopted Proposition 200 which, among other things, requires that voters present photo identification before voting.

And outside of New Mexico and Arizona, requiring a person to identify him or herself with photo identification before casting a ballot enjoys broad public support. The American Center for Voting Rights – Legislative Fund's polling in Pennsylvania and Missouri found that more than 80% of the population favors photo ID requirement in order to vote. Other state specific polls in Wisconsin and Washington have found similar levels of public support for voter identification requirements. Nationally, a recent Wall Street Journal/NBC poll found that more than eighty percent of U.S. citizens support the requirement that a person show a photo ID before they are allowed to cast a ballot.

Too often, it appears that state-enacted voter identification requirements are being buried in unnecessary legal challenges. Lawsuits are currently pending in Indiana, Georgia, Missouri, New Mexico and Arizona challenging voter identification requirements enacted at the state and local levels. Federal legislation requiring voter identification for all voters in federal elections would improve American confidence in our elections and, would also help pave the way for the Justice Department to defend the constitutionality of voter identification laws. Federal voter identification would be a significant step forward to address the cynicism, skepticism and fraud that keep many American citizens on the sidelines and out of the voting booth.

According to the National Conference of State Legislatures, some 24 states currently require every voter to provide identification before casting a ballot and seven states currently require photo identification in order to vote. Legislation requiring voter identification to vote has been under consideration in at least 4 other states legislatures just this year. As this committee is well aware, Senator McConnell introduced a photo ID amendment as part of the debate of the immigration bill in the Senate, but that provision was ultimately not included in the Senate-passed version of the bill.

According to a recent article by the Wall Street Journal's John Fund, our neighbor Mexico, just south of where we sit today, has a more sophisticated national voter identification system than we do here in the United States. Despite the unproven claims of critics of identification that identification requirements somehow disproportionately burden the poor, Mexico manages to required photo identification from all of its citizens. John Fund also pointed out that many other countries, including Canada, France, Germany, Italy, Poland, Britain, India and South Africa require that a voter present photo identification before voting.

Professor John Lott, writing in a recent National Review article, tells us that "in Mexico, where about 40 percent of the population is below the poverty line, strict voter-ID rules have actually increased voter turnout. In the three presidential elections since the 1991

reforms, 68 percent of eligible citizens have voted, compared to only 59 percent in the three elections prior to the rule changes.” This demonstrates that increased voter confidence can increase voter turnout – even in countries with significant portions of its population below the poverty line.

Conclusion

In New Mexico, the burden of determining eligibility to vote lies with the voter, and there will always be ways to perpetrate fraud. In the best of worlds, election officials are able to detect patterns in voter registration which lead them to particular techniques for verifying voter eligibility. For instance, they have learned to check the validity of addresses in multiple databases, i.e. the assessor, the USPS, etc. and they've learned to flag registrations with social security numbers that already exist in the voter roster; however, one need only change one digit in a social security number or add a suite number to an address to foil the system. A requirement that an individual registering to vote in a federal election provide proof of citizenship would bring about a significant improvement in the conduct of elections in that it would 1) help ensure that every eligible vote is counted; 2) provide a mechanism for verifying eligibility without unnecessarily impeding the voting process and 3) allow local officials the flexibility to implement changes in what is a constantly evolving process. A federal photo voter ID requirement would mark a significant step forward in improving the election process as well.

Submitted 3 VRS
Some DoB 10-9-74

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5-5-04 1) 215-21 - 3054 Sent a letter to confirm
5-13-04 2) 215-21 - 5057 In system
5-13-04 3) 215-21 - 5054 - system

Exhibit A

BERNALILLO COUNTY CLERK
1 CIVIC PLAZA NW, ROOM 6007
ALBUQUERQUE, NEW MEXICO 87102

581-0752 not a work
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MARY HERRERA
BERNALILLO COUNTY CLERK
1 CIVIC PLAZA NW, ROOM 6007
ALBUQUERQUE, NEW MEXICO 87102

581-8545-LM

MS CYNTHIA L KOZLOWSKI
3126 MANZANO ST NE
ALBUQUERQUE NM 87110

581-0755

MARY HERRERA
BERNALILLO COUNTY CLERK
1 CIVIC PLAZA NW, ROOM 6007
ALBUQUERQUE, NEW MEXICO 87102

04 JUN 29 2004

615-2665 LM

MR ROLAND M KIMBALL
9000 VERANDA RD NE 16
ALBUQUERQUE NM 87111

615-2665 LM

MARY HERRERA
BERNALILLO COUNTY CLERK
1 CIVIC PLAZA NW, ROOM 6007
ALBUQUERQUE, NEW MEXICO 87102

9/10/04

This person has used someone else's phone #
That "someone else" has called to say they do not know.

615-2665 LM

615-2665 LM

615-2665 LM

DUP

1	NAME - Last	First	Middle Name or Initial	Gender	Birth Date	Social Security Number
1	Wilson	Natalie	Carol	F		
ADDRESS WHERE YOU LIVE NOW			Apartment, Unit, or Lot #			
2	1200 LOUISIANA # 23			City	Zip	87110
ADDRESS WHERE YOU GET YOUR MAIL			City Zip			
3				City	Zip	WALK
4	If you are changing your name on this application, under what full name were you previously registered?			Last Name - First Name - Middle Name or Initial		
5			NOTE: You must name a major political party to vote in primary elections. ►►►	Party	If you choose NO PARTY, check this box: <input type="checkbox"/>	6 268-0151
			May the county clerk make this telephone number public? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
7			I hereby authorize you to cancel my previous registration in the following county and state.			
8						
Are you a citizen of the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No						
Will you be 18 years of age on or before election day? <input type="checkbox"/> Yes <input type="checkbox"/> No						
Are you a resident of New Mexico? <input type="checkbox"/> Yes <input type="checkbox"/> No						
If you checked "NO" to any of the questions above, do not complete this form.						
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Name of person who assisted you in filling out this form						
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1 Carpenter Vanessa

2 426 Utah St SE #F-3

3 Same

4 If you are changing your name on this application, under what full name were you previously registered?

5 NOTE: You must name a major political party to vote in primary elections. ►►►

6 N Phone

7 I hereby authorize you to cancel my previous registration in the following county and state.

8 Are you a citizen of the United States? Yes No

9 Name: Carpenter, Vanessa K. 426 UTAH ST SE F3 ALBUQUERQUE NM 87108

10 Date: 06/17/04 F PCT: 327

11 Last Name - First Name - Middle Name or Initial: Vanessa Carpenter

12 DO NOT WRITE IN SHADeD AREA - FOR OFFICIAL USE ONLY

13 DTS

14 DATE OF EXPIRATION OF QUALIFICATION

15 May the county clerk make this telephone number public? YES NO

16 Would you like to serve as an election day precinct worker? YES NO

17 SIGN YOUR FULL NAME OR MARK ON THE RED LINE BELOW: *Vanessa Carpenter*

1 Carpenter Vanessa K. F

2 426 UTAH ST SE #F-3

3 Same

4 If you are changing your name on this application, under what full name were you previously registered?

5 NOTE: You must name a major political party to vote in primary elections. ►►►

6 N Phone

7 I hereby authorize you to cancel my previous registration in the following county and state.

8 Are you a citizen of the United States? Yes No

9 Name: Carpenter, Vanessa K. 426 UTAH ST SE F3 ALBUQUERQUE NM 87108

10 Date: 5 15 104

11 Last Name - First Name - Middle Name or Initial: Vanessa Carpenter

12 DO NOT WRITE IN SHADeD AREA - FOR OFFICIAL USE ONLY

13 DTS

14 DATE OF EXPIRATION OF QUALIFICATION

15 May the county clerk make this telephone number public? YES NO

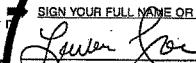
16 Would you like to serve as an election day precinct worker? YES NO

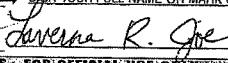
17 SIGN YOUR FULL NAME OR MARK ON THE RED LINE BELOW: *Vanessa Carpenter*

NAME - Last	First	Middle Name or Initial	Gender	Birth Date	Social Security Number
PETOSA ARTHUR PAUL		M	8	46	41361240
ADDRESS WHERE YOU LIVE NOW			Apartment, Unit, or Lot #		City
218 IRON ST. S.W.					AIR.
ADDRESS WHERE YOU GET YOUR MAIL			City		Zip
218 IRON ST. S.W.			AIR.		87102
If you are changing your name on this application, under what full name were you previously registered?					
Last Name - First Name - Middle Name or Initial					
POLITICAL PARTY			DOWNTIME TELEPHONE NUMBER (optional)		
NOTE: You must name a major political party to vote in primary elections.			May the county clerk make this information available to election officials for election purposes?		
5	Party	If you choose NO PARTIES check this box	6	615-7400	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
I hereby authorize you to cancel my previous registration in the following county and state.			County State		
Are you a citizen of the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
Will you be 18 years of age on or before election day? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
Are you a resident of New Mexico? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
If you checked "NO" to any of the questions above, do not complete this form.					
ATTESTATION OF QUALIFICATION					
I aver that I am a citizen of the United States, a resident of the state of New Mexico, that I have not been denied the right to vote by a court of law by reason of mental incapacity, that I am, or will be, at the time of the next election, 18 years of age, and I have been convicted of a felony, I have completed all conditions of probation or parole, service in the armed forces, or have been granted a pardon by the governor. I further swear/affirm that I am authorized to cancelation of any prior registration to vote in the jurisdiction of my present authority.					
SIGN YOUR FULL NAME OR MARK OR MARK ON THE RED LINE BELOW:					
1334172					
Month Day Year					
DATE: 3 11 04					
PCT: 133					
CHG: 04/15/04 M					
POTOSA ARTHUR PAUL 218 IRON ST. S.W. ALBUQUERQUE NM 87102					
DEM					
ED. AND FOR OFFICIAL USE ONLY					

PERSONAL INFORMATION		First	Middle Name or Initial	Gender	Birth Date	Social Security Number
1	NAME Last	Arthur	P	M	5/14/41	111-11-1111
ADDRESS WHERE YOU LIVE NOW		Apartment, Unit, or Lot #		City		Zip
2	Street Address	87103		NM		
ADDRESS WHERE YOU LIVE YOUR MAIL		City		Zip		
3	Address	Same				
4	If you are changing your name on this application, under what full name were you previously registered?			Last Name - First Name - Middle Name or Initial		
POLITICAL PARTY		DAYTIME TELEPHONE NUMBER (optional)				
5	NOTE: You must name a major political party to vote in state and primary elections. <input checked="" type="checkbox"/> DEM <input type="checkbox"/> REP <input type="checkbox"/> NO PARTY, check this box: <input checked="" type="checkbox"/> 6			May the county clerk make this telephone number public for election purposes? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
7	I hereby authorize you to cancel my previous registration in the following county and state. <input checked="" type="checkbox"/> NM			County <input checked="" type="checkbox"/> NM State		
STATEMENT OF QUALIFICATIONS						
8	Am I a citizen of the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
Am I 18 years of age or older <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						
Am I a resident of New Mexico? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						
If you checked "NO" to any of the questions above, do not complete this form.						
3807670						
9	Name of person who assisted you in filling out this form. <input checked="" type="checkbox"/> COP GAYRS					
DO NOT WRITE IN SHADDED AREAS - FOR OFFICIAL USE ONLY						
Appended to this in County Registration Card						

PERSONAL INFORMATION		First	Middle Name or Initial	Gender	Birth Date	Social Security Number	
1	NAME - Last <i>Wells</i>	<i>Davetta</i>	<i>L</i>	<i>F</i>			
ADDRESS WHERE YOU LIVE NOW		Street Address		Apartment, Unit, or Lot #	City <i>Albuquerque</i> Zip <i>87112</i>		
2	<i>11201 Lomas NE</i>		<i>12</i>				
ADDRESS WHERE YOU GET YOUR MAIL		Address		City	Zip		
3							
If you are changing your name on this application, under what full name were you previously registered?				Last Name - First Name - Middle Name or Initial			
POLITICAL PARTY				DAY/TIME/TELEPHONE NUMBER (OPTIONAL)		POL. WORKERS	
5	NOTE: You must name a major political party to vote in primary elections.	Party <i>Dem</i>	If you choose NO PARTY, check this box: <input checked="" type="checkbox"/>	6	May the county clerk make this telephone number public? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Would you like to have as an election day precinct worker? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
7	I hereby authorize you to cancel my previous registration in the following county and state.					County	State
STATEMENT OF CITIZENSHIP							
8	Are you a citizen of the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Will you be 18 years of age on or before election day? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are you a resident of New Mexico? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						
If you checked "NO" to any of the questions above, do not complete this form.							
ATTESTATION OF QUALIFICATION							
I swear/affirm that I am a citizen of the United States and a resident of the state of New Mexico that I have not been denied the right to vote by a court of law or by reason of mental infirmity, that I am or will be at the time of the next election, 18 years of age and if I have been convicted of a felony, I have completed all conditions of probation or parole, served the entire sentence or have been granted a pardon by the governor. I further swear/affirm that I am authorizing cancellation of any prior registration to vote in the jurisdiction of my prior residence.							
SIGN YOUR FULL NAME OR MARK ON THE RED LINE BELOW: <i>Davetta L. Wells</i>							
9	Name of person who assisted you in filling out this form						
DO NOT WRITE IN THIS SPACES FOR OFFICIAL USE ONLY							
Accepted for filing in County Registration Records							
Date	County Clerk	File No.	Date	County Clerk	File No.	Date	County Clerk

1	NAME: Last Joe First LaVerne Middle Name or Initial R Gender F Birth Date 1/1/1961 Social Security Number 123-45-6789
ADDRESS WHERE YOU LIVE NOW	
2	Street Address 321 Pennsylvania Apartment, Unit, or Lot # #D City Albuquerque Zip 87108
ADDRESS WHERE YOU GET YOUR MAIL	
3	Address 321 Pennsylvania St NE #D City Albuquerque Zip 87108
4 If you are changing your name on this application, under what full name were you previously registered?	
5 POLITICAL PARTY	
<small>NOTE: You must name a major political party to vote in primary elections. ►►►</small>	
5	Party Dem If you choose NO PARTY, check this box: <input checked="" type="checkbox"/> 6 May the county clerk make this telephone number public <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO Would you like to serve as an election day precinct worker? <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO
7 I hereby authorize you to cancel my previous registration in the following county and state.	
8 TESTIMONY OF QUALIFICATION	
<small>Am I a citizen of the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Will you be 18 years of age on or before election day? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are you a resident of New Mexico? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If you checked "NO" to any of the questions above, do not complete this form.</small>	
9 SIGN YOUR FULL NAME OR MARK ON THE RED LINE BELOW:	
	
10 DATE: 07/26/04 PCT: 323	
11 FOR OFFICIAL USE ONLY	
<small>A DEM</small>	

1	NAME: Last JOE First LaVerne Middle Name or Initial R Gender F Birth Date 1/1/1961 Social Security Number 123-45-6789
ADDRESS WHERE YOU LIVE NOW	
2	Street Address 321 Pennsylvania Apartment, Unit, or Lot # #D City Albuquerque Zip 87108
ADDRESS WHERE YOU GET YOUR MAIL	
3	Address 321 Pennsylvania St NE #D City Albuquerque Zip 87108
4 If you are changing your name on this application, under what full name were you previously registered?	
5 POLITICAL PARTY	
<small>NOTE: You must name a major political party to vote in primary elections. ►►►</small>	
5	Party Dem If you choose NO PARTY, check this box: <input checked="" type="checkbox"/> 6 May the county clerk make this telephone number public <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO Would you like to serve as an election day precinct worker? <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO
7 I hereby authorize you to cancel my previous registration in the following county and state.	
8 TESTIMONY OF QUALIFICATION	
<small>Am I a citizen of the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Will you be 18 years of age on or before election day? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are you a resident of New Mexico? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If you checked "NO" to any of the questions above, do not complete this form.</small>	
9 SIGN YOUR FULL NAME OR MARK ON THE RED LINE BELOW:	
	
10 DATE: 07/13/04	
11 DO NOT WRITE IN SHADDED AREA - FOR OFFICIAL USE ONLY	
<small>Accepted for filing in County Registration Records County Clerk: LaVerne R. Joe Date: 07/13/04 PCT: 323 PREV. PCT: 323 PREV. DIST: 1 PREV. CIR: 1 PREV. GVR: 1</small>	

1	Wells	Davetta	L	F	
ADDRESS WHERE YOU LIVE NOW			Apartment, Unit, or Lot #	City	Zip
2	11201 Lomas NE			12	Abq 87112
ADDRESS WHERE YOU GET YOUR MAIL			City	Zip	
3	11201 Lomas NE #12			Abq	87112
WALKED					
4 If you are changing your name on this application, under what full name were you previously registered?					
5 POLITICAL PARTY (check one)					
NOTE: You must name a major political party to vote in primary elections. ►►► <input checked="" type="checkbox"/> DEM					
If you choose NO PARTY, check this box: <input checked="" type="checkbox"/>					
6 261-0004					
7 I hereby authorize you to cancel my previous registration in the following county and state.					
8 Are you a citizen of the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
9 Will you be 18 years of age on or before election day? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
10 Are you a resident of New Mexico? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
11 If you checked "NO" to any of the questions above, do not complete this form.					
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Susan G. Gordon
 2610 General Marshall, NE
 Albuquerque, NM 87112
 (505) 292-2396

RECEIVED
 BERNALILLO COUNTY SHERIFF
 04 AUG 19 PM 12:11
 04

Mr. David C. Iglesias
 United States Attorney
 P.O. Box 607
 Albuquerque, NM 87103

Mr. Darren White
 Bernalillo County Sheriff
 P.O. Box 25967
 Albuquerque, NM 87125

Re: Voter Fraud Investigation

Dear Messrs. Iglesias and White,

After reading the recent article in the *Albuquerque Journal* regarding voter fraud and your requested investigation, I felt it was important that I bring our matter, while not identical, to your attention.

Our family received in the mail over the summer two Voter Information Cards; two separate cards, two separate mailings. The information on the cards is referencing my son, Spencer G. Ellingsen. I attach a copy of each card for your reference.

Much of the information is incorrect. First of all, my son is only 15 with his birth date being 01-06-89. Second, our address is 2610 and the card states 2611. Third, the SSN is incorrect, close but incorrect.

Since the cards were mailed to 2611 General Marshall, N.E., my neighbor brought these over to me. Shortly after I received the second card, they told me that their son, who is 11 years of age, received one as well, showing me that this wasn't just a "fluke" concerning my son. They are investigating their son's card as well.

After receiving the second card, I called the County Clerk's office to inquire. I spoke with a clerk, asked a few questions and received some information. They located the application by the SSN stated on each card. Apparently, the Voter Registration Applications were filled out by a representative of the organization "ACORN." While the clerk that I spoke with was pleasant and tried her best to be helpful, she wasn't very knowledgeable.

I would be happy to answer any questions or assist in any way that may be helpful. During the workday you can reach me at 888-4300.

Sincerely,

Susan G. Gordon

Susan G. Gordon

sgg
 Enclosure

*Revd
8/20/04
JGD*

Mark P. Montoya
Bureau of Elections Coordinator
One Civic Plaza, NW-6th Floor
Albuquerque, New Mexico 87102

Dear Sir:

Please find attached a copy of a New Mexico voter registration card. I have not been a resident of New Mexico for 9+ Years. I am a Arizona resident currently living in Tucson AZ. The address on the card is my parents. The name is same as mine and the date of birth is the same a mine, but the identification number (SSN) is not my Social Security Number. I do believe the card to be fraudulent. I am currently a registered voter in Arizona and do not wish to be registered as voter in New Mexico.

If you should have an questions please don't hesitate to contact me.

Thanks you for your help

James G Dickey

1282 w feather Grass
Tucson AZ 85737
520-219-4392

Greg.Dickey@Per-se.com

PERSONAL INFORMATION					
1	NAME - Last	First	Middle Name or Initial	Gender	
	Dickey	James	G	M	58
2	ADDRESS WHERE YOU LIVE NOW			City Zip	
	Street Address	Apartment, Unit, or Lot #		City	Zip
2	804 Calle Amor			Albuquerque 87123	
3	ADDRESS WHERE YOU GET YOUR MAIL			City Zip	
	Address	City	Zip		
3	Same				
4	If you are changing your name on this application, under what full name were you previously registered?				
Last Name - First Name - Middle Name or Initial					
POLITICAL PARTY					
5	NOTE: You must name a major Party				
	If you choose NO to any of the following questions, check this box: <input checked="" type="checkbox"/> 6 271-8497				
	May the county clerk make this telephone number public? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
for election purposes?					
I hereby authorize you to cancel my previous registration in the following county and state:					
County State					
Please answer the following questions:					
I swear/affirm that I am a citizen of the United States and a resident of the state of New Mexico; that I have not been denied the right to vote by a court of law by reason of mental incapacity; that I am, or will be at the time of the next election, 18 years of age; and if I have been convicted of a felony, I have completed all conditions of probation or parole, served the entirety of a sentence or have been granted a pardon by the governor. I further swear/affirm that I am authorizing cancellation of any prior registration to vote in the jurisdiction of my prior residence.					
DATE: 05/29/04					
Month Day Year					
PCT: 289					
SIGN YOUR FULL NAME OR MARK ON THE RED LINE BELOW:					
<i>James Dickey</i>					
AREAS FOR OFFICIAL USE ONLY					
I.D. PCT. MUN. PRC DIST. REP. DIST. SEN. DIST. SCHOOL C.C.					
4 DTC Clerk					
1958					

LOOK AT CLERK WEB PAGE [HTTP://WWW.BERNCO.GOV](http://www.bernco.gov)
OR NEWSPAPER BEFORE ELECTION FOR POLLING LOC THIS IS YOUR VOTER INFORMATION CARD. IT CONTAINS THE INFORMATION YOU
NEED TO BE SURE THAT YOU VOTE IN THE CORRECT PRECINCT AND AT THE
CORRECT POLLING PLACE. PLEASE SIGN THIS CARD. DETACH IT FROM THE
FORM AND RETAIN IT FOR YOUR INFORMATION.

MARY HERRERA
BERNALILLO COUNTY CLERK
1 ONE CIVIC PLZ NW RM 6007
ALBUQUERQUE, NEW MEXICO 87102-2167

PLEASE SIGN AND KEEP THIS
CARD IN YOUR POSSESSION.
YOU MAY BE REQUIRED
TO PRODUCE IT AS PROOF OF
YOUR REGISTRATION ON
ELECTION DAY.



STATE OF NEW MEXICO • BERNALILLO COUNTY
ESTADO DE NUEVO MÉJICO • CONDADO DE BERNALILLO
COURT CLERK [REDACTED]
ESCRIBANA DE CÓRDOBA [REDACTED]
VOTER NAME AND ADDRESS
NOMBRE Y DIRECCIÓN DE VOTANTE

Mary Herrera
MR. JAMES G. DICKEY
E04 CALLE AMOR SE
ALBUGUERQUE NM 87123

FAVOR DE FIRMAR Y
MANTEÑER ESTA TARJETA.
DEBE PRODUCIR ESTA
TARJETA COMO APRUEBA
DE SU REGISTRACIÓN EN
EL DÍA DE LA ELECCIÓN.

ESTA ES LA TARJETA DE INFORMACIÓN PARA EL VOTANTE CONTIENE LA
INFORMACIÓN QUE USTED NECESA PARA ASEGURAR QUE USTED VOTE EN EL
RECINTO Y URNA CORRECTO. FAVOR DE FIRMAR. SEPARA ESTA TARJETA A
MANTENGALA PARA SU INFORMACIÓN.

IDENTIFICATION NO. NÚMERO DE IDENTIFICACIÓN	DATE OF BIRTH FECHA DE NACIMIENTO	GENDER GENERO
[REDACTED]	[REDACTED]	M
1958	1958	1958
US CONGRESS DISTRICT DISTRITO DE CONGRESO DE EUA	SENATE DISTRICT DISTRITO DEL SENADO DEL ESTADO	REPRESENTATIVE DISTRICT DISTRITO DE REPRESENTANTE DEL ESTADO
1	17	20
CITY CONTROL DISTRICT DISTRITO DE CONTROL DEL CONGRESO	CITY CONTROL DISTRICT DISTRITO DE CONTROL DE LA CÁMARA	BOARD OF EDUCATION DISTRICT INSTITUTO DE ALTA DE EDUCACIÓN
05	02	02
PRECINCT RECINTO	PARTY PARTIDO	APL. DISTRICT DISTRITO DE ALMAFCA
289	07	05
POLLING PLACE FOR PRIMARY AND GENERAL ELECTION URNA DE VOTACIÓN EN ELECCIÓN PRIMARIA Y GENERAL		

06/23/2004 FOR POLL LOCATION SEE SUNDAY
PAPER PRIOR TO ELECTION DATE

FILL HERE DO NOT FOLD

SIGNATURE OF REGISTERED VOTER
FIRMA DE VOTANTE REGISTRADO

DATE
FECHA

06/23/2004



Voter fraud is exceedingly difficult to detect because the current systems provide no safeguards. Free access to the names and addresses of people who have not voted can be improperly used to allow misrepresentation. Voter fraud is impossible to detect if you refuse to look for it.

**DEFEND OUR FREEDOM
PROTECT OUR VOTE**

**IN SUPPORT OF HB9
JANUARY 24, 2002**

Election Fraud 2000 Elections

The 2000 Presidential election was extraordinarily close for the entire nation. Florida and New Mexico were the focus of intense scrutiny and criticism. In addition to the usual problems in Bernalillo County, machine malfunctions and programming glitches throughout the state created an atmosphere in which literally every vote could be determinative.

Voter fraud is difficult to detect, as people who do commit the fraud have little incentive to confess. Only extraordinary and unusual circumstances allow the detection of the fraud that does occur due to New Mexico's failure to take any steps to require voter identification. No formal or informal checks exist.

In October of 2000 the Republican Party of New Mexico established FAIRVOTE 2000, a statewide election integrity program with four broad objectives.

1. To guarantee a fair vote count.
2. To ensure that no voters are unjustly denied their right to register or to vote.
3. To prevent unlawful election practices, errors and omissions.
4. To recruit and train concerned citizens to protect the electoral franchise.

The FAIRVOTE program provided a statewide, toll-free number for individuals to report voter registration, early voting, and election-day irregularities and violations of state or federal election law. Volunteer legal teams assisted with follow-up investigations of voting irregularities.

On Election Day, Bernalillo County was the testing ground for the FAIRVOTE 2000 Poll Watcher and Poll Challenger Program. Citizens were recruited to serve on the Bernalillo County Absent Voter Precinct Board and, as trained Poll Challengers.

What follows is a brief summary of a few of the voter registration problems and voter fraud incidents from various counties across the state that were reported and documented by FAIRVOTE 2000.

Bernalillo County

The allegations of fraud are threefold. First, a credible report was received of an individual voting more than once. Specifically, Phylisha Samora, a Republican poll challenger in Bernalillo County, Precinct 95, witnessed a man named Raymond Rodriguez vote two times, and attempt to vote a third time before the Presiding Judge intervened. *See attached affidavit

Second, a report was received of individuals being offered money in exchange for their vote in the presence of poll workers. Specifically, Raymond Elder, a Republican poll challenger in Bernalillo County, Precinct 106, heard two voters identified as Patrick Gutierrez and Jesus Chavez, with precinct registration numbers 267 and 112 respectively, inform other voters that "they would get paid" for voting a straight Democratic ticket. This statement was brought to the attention of the Presiding Judge but no further inquiry was made. *See attached affidavit

Third, there appears to be several instances of individuals being allowed to vote who were either not eligible to vote or fraudulently presented false identification. Shawna Gonzales, a Republican poll challenger in Bernalillo County, witnessed a female voter at Alameda Elementary School sign a register for a voter named "Jackie S. Aragon", a voter with a 1909 birth date, while the woman who actually voted appeared to be in her mid-forties. The matter was brought to the attention of the Presiding Judge Martinez but no action was taken. *See attached report

Tiffiny Alonso, a citizen of Bernalillo County attempted to register to vote in time for the November 7th Presidential Election, but her paperwork was lost by the county clerk's office. Despite calls to the Secretary of State's office and the Attorney Generals office, Ms. Alonso was only successful in registering to vote when she called the Democrat State Party. *See attached affidavit

In October of 2000, poll workers in Bernalillo County were actually trained to violate current election law. The county clerk, the county election coordinator, and a representative from the Secretary of State's office told 400 poll workers that it was not necessary for voters to identify themselves when they approached the signature rosters. The County Clerk explained that it was more "neighborly" if the poll worker identified the voter as they approached the polls. Considering that New Mexico does not require photo ID, it is troubling that poll workers at more than 400 polling places throughout Bernalillo County are free to open the signature rosters to neighbors and friends they personally recognize.

Other Reports of Voting Irregularities:

Reina Cian, a registered voter in Bernalillo County, Precinct 283, reported that one of her relatives, a voter named Olga Chavez, is not a U.S. citizen, yet she was allowed to vote in Precinct 283.

Orville Moore, has first-hand knowledge that Christopher Moore and Arthur Moore, residents of Louisiana & Florida did not vote in New Mexico yet absentee ballots were requested and were returned to Cibola County on their behalf.

In addition to voting machine malfunctions in Roosevelt and Bernalillo counties, there are numerous incidents of poll-worker malfeasance or negligence. We received several reports of people being allowed to vote before the election commenced at 7:00 a.m. Specifically, Pascal Ortega, witnessed a voting machine in Bernalillo County, Precinct 98, registered a single vote at 6:50 a.m. on Election Day. Daniel Ortega and Rosa Armijo witnessed a voting machine with a one-vote count at 6:50 a.m. on Election Day in Precinct 99 in Bernalillo County.

There is evidence that a Presiding Judge assisted voters in the voting booth. Roger Kulp witnessed this happening in Bernalillo County, Precinct 287, when Presiding Judge Ernest Lovato assisted several voters in the booth. Election problems in New Mexico are endemic, but voter identification could root out the simplest form of fraud without any significant cost or delay. *See attached report

UNDERREPORTED STORIES OF VOTER FRAUD IN NEW MEXICO

The press underreported two important stories relating to voter fraud in New Mexico. One involved a Clinton pardon granted to Eloidia Candelaria, a woman convicted in 1992 of voter fraud in Bernalillo County. The other was convicted felon Charles Aragon, an employee of the Bernalillo County clerk's office and brother of Manny Aragon, who violated his parole when he voted in the 1994 elections. Bernalillo District Attorney, Kari Brandenburg has yet to file charges. (KRQE 13 News video, March 3, 2001 10PM)

Valencia County: In Valencia County, the early polls were left open beyond the statutory limit. The local newspaper reported the county clerk's response to the incident as, "we probably should have read up on the new law."

Thirty-one Republican absentee voters requesting ballots did not receive or received ballots too late to return, despite early, timely requests. The incumbent Republican State Representative was defeated by 30 votes. *See attached list of names

Dona Ana County: The third largest county in New Mexico was plagued with election irregularities in 2000. More than 100 absentee ballots were mailed to incorrect addresses. In an effort to correct the mistake, 145 second ballots were mailed out by the county clerk. An independent audit of the Dona Ana Canvassing Board revealed serious discrepancies in election reports. *See attached report

At least three deceased people voted in Dona Ana County in 2000. Walter H. Haas, Guadalupe M Valenzuela and Thomas Gibson all signed the 2000 election voter rosters despite being listed in the Las Cruces Sun – News obituaries. Valenzuela died 4/99, Gibson died 5/99 and Hass died 7/00 *See attached signature documents

Roosevelt County: A computer programming glitch in Roosevelt County electronic voting machines failed to record more than 500 straight party ticket ballots.

Clearly, the integrity and purity of New Mexico's elections will be compromised until members of the Voters and Elections Committee make it a priority to protect the electoral franchise in New Mexico. Although a Photo Voter ID Bill would not correct all the problems plaguing elections in New Mexico, it would be a giant step forward in protecting the vote of honest citizens.

To object to a voter identification bill by suggesting that it would intimidate voters, suppress voter turnout, target minorities or be a hindrance to the elderly is a condescending insult to all voters of all ages. We all know that from cradle to grave we must prove our identity. It's common knowledge that you must show proof of identity to go to the doctor, buy cigarettes or beer, cash a pay check, use a bank, rent a video, purchase a plane ticket, enter a bar, obtain a driver's license, or apply for federal services such as Social Security, welfare, Medicaid, Medicare or food stamps. Finally, you must even prove your identity to obtain a death certificate, publish an obituary, or be buried. .

We respectfully request that the Voters & Elections Committee defend our freedom by protecting our vote. Please vote to pass HB#9.

Memorandum

October 15, 2001

According to the Spring 2001 survey of the National Association of Secretaries of State, there are five states which currently require a photo ID for voter ID. In some cases voters can exempt themselves from showing proof of ID or address by signing an affidavit. They are:

- Alaska
- Florida
- Hawaii
- Louisiana
- South Carolina

There are ten states that require voter ID, but not a photo ID. In some cases voters can exempt themselves from showing proof of ID or address by signing an affidavit. They are:

- Arkansas
- Connecticut
- Georgia
- Kentucky
- Montana
- Nevada
- Tennessee
- Texas
- Virginia
- Wisconsin

Missouri is the one state in which most of its counties require voter ID, but not a photo ID.

Also, Alabama and Iowa are currently considering ID bills. *Alabama passed voter id Feb. 2001*

POLL CHALLENGERS GUIDE 2000

NAME _____

You have been assigned to Precinct _____

The Precinct Polling Place is located at _____

The Presiding Precinct Judge is _____

House District _____ Senate District _____

House Candidate _____ Senate Candidate _____

REPUBLICAN HEADQUARTERS: 298-3662
FAIRVOTE 2000 291-9980
TOLL-FREE 1-866-324-7868

Voting Machine Serial Number _____

Metal Seal _____ White/Open Seal _____ Red/Close Seal _____

Yellow Seal (memory cartridge) _____ Total Vote Count _____

Voting Machine Serial Number _____

Metal Seal _____ White/Open Seal _____ Red/Close Seal _____

Yellow Seal (memory cartridge) _____ Total Vote Count _____

Voting Machine Serial Number _____

Metal Seal _____ White /Open Seal _____ Red/Close Seal _____

Yellow Seal (memory cartridge) _____ Total Vote Count _____

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Yellow Seal (memory cartridge) _____ Total Vote Count _____

Voting Machine Serial Number _____

Metal Seal _____ White/Open Seal _____ Red/Close Seal _____

Yellow Seal (memory cartridge) _____ Total Vote Count _____

Thank you for agreeing to serve as an official Poll Challenger on Election Day. Our goal is to protect our right to a fair election in which every eligible voter has one vote. Your hard work could be crucial in guaranteeing an impartial and fair election.

Your responsibilities are:

- to observe the conduct of the election;
- to keep a record of what you have observed;
- to report any voting irregularities to Party Headquarters.

What to look for:

There are three basic time periods in which election results can be compromised:

- before the polls officially open (7AM);
- during the voting period; and,
- after the polls close (7PM).

Before The Polls Open

You have two goals:

- make sure the electronic voting machine is set at zero
- see that the polling site is properly set up

What you should do:

- Introduce yourself to the Presiding Judge, present your official letter and get your Republican Challenger badge
- There are four seals on Bernalillo County electronic voting machines. An outer metal seal, and a yellow, white and red plastic inner seal. When the Presiding Judge opens the voting machine to set it up he will cut the metal seal. You will record the metal seal number and inspect the ballot face of the voting machine to make sure the Republican candidate is on the ballot. If any names are missing the voting machine should not be used.

- Record the serial number of the voting machine (bottom left-hand corner), and watch as the Presiding Judge breaks the white seal which officially opens the polls. Record the number of the white seal.
- Make sure the voting starts at zero. (The total counter window will not be at zero so don't get confused. The total counter window reflects the total number of votes cast on that machine over several elections.)

These procedures are critical. It is our only protection against improper voting before the start of the election.

Additional responsibilities:

- Make sure that paper emergency ballots are available in the event of a machine breakdown.
- Make sure that no candidate's campaign signs are within 100 feet of the polling place.
- If you don't have a cell phone, find the location of the closest phone.

What To Look For During Voting

Improper Voting:

- Watch the voting lines so that nobody gets in line who has not signed the signature roster.
- Once a person votes, that person should leave the polling place.
- People can take as long as they need to vote. Judges cannot rush or tell a voter that their time is up.
- Watch the line to make sure voters don't show up twice to try and vote for their sick friend or relative. This happens.
- * Watch for people who claim they made a mistake and the judge allows them to re-vote on the machine.

CHALLENGES

When you believe someone is not who they say they are or if you recognize someone who is attempting to vote twice, you may challenge that vote. Bring

them to the attention of the Presiding Judge. Do not disturb the roster clerks. The Presiding Judge will write Challenge next to the name on the signature roster. Three precinct judges must decide unanimously whether the voter will vote by machine or paper ballot. You should urge that any **challenged voter vote by affidavit paper ballot**. We can disqualify fraudulent paper ballots, but once someone votes on the machine we have no way to cancel a vote.

PREVENTING ELECTIONEERING

- Make sure that no campaign signs are within 100 feet of the polling place.
- Candidates are only allowed to be present in the precinct where they vote.
- Keep an eye on anyone hanging around - are they talking to people in line or handing out campaign literature?
- Look out for money changing hands.
- Report raising of voices or other signs of intimidation to Precinct Judge. If the Judge doesn't take action, call Headquarters.

VOTING MACHINE PROBLEMS

- If a machine breaks down, record the time and keep a record of how long it takes to get a technician out to fix or replace the machine.
- Phone into Republican Headquarters if a machine breaks down.
- **Voters should vote on emergency paper ballots until machine is fixed.**

AFTER THE POLLS CLOSE 8PM

- Your goal is to make sure that voting stops at 7PM and that no votes can be added to the machines or paper ballots after that time.
- Everyone in line at 7PM has the right to vote; nobody who arrives after 7PM may vote.
- After everyone has finished voting, the Presiding Judge will break the red seal which will close the polls. Record the final vote count which is on the back of each voting machine in your precinct. Some precincts have four or five voting machines. Record the vote count from each machine.

- After the red seal has been broken the Presiding Judge will break the yellow seal to remove the memory cartridge. He will then put it in an envelope for delivery. Record the number on the yellow seal.
- Do not leave until the last voters have left and the poll workers have completed the paperwork.

PROCEDURES FOR DEALING WITH PROBLEMS

- Contact Republican Headquarters if you see something irregular. We will be there to answer questions, suggest solutions or to send help if necessary. Before you pursue any radical action, make sure Party Headquarters approves of your course of action.
- Be polite and calm no matter how hot the situation gets. Remember that the Presiding Judges often work under pressure. Their job isn't easy, and you will accomplish more if you show them you want to work with them. If they refuse you permission to engage in legitimate poll challenger activities, you should remind them politely that their conduct will be reported to the county clerk and Republican headquarters as suspicious activity. Remember that anyone looking to engage in illegal activities will look for an opportunity to accuse you of creating a disturbance and intimidating voters so that they can eject you from the polling sites. Don't let them fool you.

Keep complete records of every incident. If you observe a problem, take down the names of all the individuals involved (including the Precinct Judges, poll workers, voter, witnesses), describe the incident, time, place, etc.

YOUR RIGHTS AS A POLL CHALLENGER

- You may inspect the voting machines.
- You may observe voters signing in, but you may not touch the rosters, ballots or any election supplies.
- Challenge suspicious voters.
- Observe the opening and closing of the polls.
- Keep a running list of all people who have voted.

Thank you and Good Luck!

Republican Party Headquarters Phone: _____
FAIRVOTE 2000 statewide toll-free number: 1-866-324-7868

APPENDIX A:
OUTLINE OF FRAUDS, IRREGULARITIES, PROBLEMS OR ERRORS
EXPERIENCED OR CHARGED IN OTHER ELECTIONS.

The following outline suggests election irregularities to be aware of in order to recognize and challenge violations. It is not all-inclusive and all of these do not necessarily apply in all states.

NOTE: Check state statutes adopted to implement the provisions of the National Voter Registration Act of 1993 ("Motor Voter Act").

PRIOR TO ELECTION

1. Soliciting of persons receiving federal relief, or employees in a federal building, and by and among federal employees. (18 USC 602)
2. Bribery. (18 USC 597)
3. Intimidation, threats, or coercion. (18 USC 594)
4. Bribery by promising a federal job. (18 USC 600)
5. Failure to issue credentials to, or to permit, poll watchers and challengers.
6. Not permitting persons to register as voters properly or conveniently.
7. False registrations, including payment for registering.
8. Failure to supply absentee ballots on proper request or giving false information concerning qualifications for absentee ballots.
9. False application for absentee ballot.
10. Improper assistance in marking or handling absentee ballots.
11. Conspiracy to obtain absentee ballots by bribery, theft or other corruption. (18 USC 241)
12. False names placed on apartment mail boxes, etc. to conceal padded voting lists.
13. Negligent or fraudulent canvass or preparation of current voting lists to include persons moved away, dead, or listed as living at vacant lots, demolished houses, flop houses, transient hotels, institutional inmates, minors and other ghosts.
14. Negligent or fraudulent canvass omitting or disqualifying qualified voters.
15. Falsifying voters' affidavits concerning residence or other requirements.
16. Refusing the right to inspect or test voting machines.
17. Political activity of federal or state employees prohibited under Health Act or Civil Service.
18. Stealing or altering poll books or other records

ELECTION DAY (general)

1. Precincts left unmanned by poll watchers.
2. Intimidation, threats and violence to voters/officials.
3. Bribery and purchase of votes.
4. Campaigning within polling area.
5. Opening polls early to cast improper votes.

6. Moving polling place without cause or notice.
7. Supplies and equipment not received in proper security order.
8. Pages torn or removed from voting registration books or counterfeit records inserted.
9. Conduct of lottery for voters, and betting.
10. Unauthorized people loitering and interfering in polling place.
11. Poll officials without proper credentials.
12. Voting under name of qualified voter, or using false name.
13. Moving booth within polling place so it cannot be fully observed by officials.
14. Causing delay in polling place so as to discourage voters from waiting.
15. Providing for floaters to crowd voting line, to discourage voters from waiting.
16. Permitting voting to be in the open, thereby making a secret ballot impossible.
17. Collusion of officials of both parties to agree to irregularities.
18. Failure to compare carefully voters' signatures with registration, or otherwise confirm identity.
19. Barring watchers from getting close enough to observe.
20. Stalling the opening of polls during early rush hour.
21. Lack of knowledge and information about proper voting procedures on part of officials.
22. Permitting unqualified persons to vote.
23. Permitting persons to vote more than once.
24. Permitting persons, even minors, to vote for others upon pretext of authorization.
25. Voting in place of qualified voters who fail to appear.
26. Illegal transportation of voters to polls, sometimes using government vehicles.
29. Improperly tallying by using incomplete figures, transposing figures, omitting or falsifying figures.
30. Changing, erasing, or switching tally in polling place or on the way to turn in official tallies.
31. Stalling completion of count until late.
32. Rushing tabulation on pretext of meeting some TV, press or other deadline.
33. Failure to safeguard or deliver returns to

Common Errors:

34. Precinct officials signing records in advance or before count is completed.

WHERE PAPER BALLOTS ARE USED

1. Unofficial ballot box used instead of official box with proper opening and lock.
2. Box stuffed prior to or during vote.
3. Failure to verify number of ballots received prior to using them.
4. Fictitious, improper or forged ballots used.
5. Ballot box stolen or switched.
6. Ballots removed or destroyed.
7. Ballots not properly identified with judge's initials.
8. Ballots smudged, marked, or torn during count so as to disqualify for identifying mark.
9. Ballots erased and revoted.
10. Ballots shifted after sorting, in or out of piles to avoid count or to count again to increase vote.
11. Permitting unauthorized persons to handle ballots.
12. Unintentional errors often occur during count.
13. Under-counting one candidate and over-counting opponent to increase the difference.
14. Improperly securing and delivering paper ballots when count is concluded.
15. In states where voters are required to sign ballot stubs, illegally opening the stub boxes to determine how particular voters voted.
16. Improperly tallying by using incomplete figures, transposing figures, omitting or falsifying figures.

WHERE SCAN OR PUNCH CARDS ARE USED

Scan or Punch cards are basically paper ballots. They are subject to most of the same problems as paper ballots. The only difference is that they are counted by machine instead of by hand. When scan or punch-cards are first used in an area, there are likely to be problems since both voters and election officials are unfamiliar with the system. Many voters may require instruction or assistance and many votes may be invalidated.

Punch-card precincts may have the following problems:

1. Failure to properly pretest the computer counting program in the presence of representatives of both Parties.
2. Extra spaces marked or holes punched on cards or cards otherwise mutilated (intentionally or unintentionally) so that the intent of voters cannot be determined.
3. Misleading or confusing ballot positions and official instructions.
4. Failure of election officials to properly validate ballots.

WHERE VOTING MACHINES ARE USED

Many people assume that where voting machines are used there are no poll watcher problems. This is not the case. There are some irregularities involving paper ballots that cannot occur in voting machine areas, but there are other irregularities which can occur only in voting machine areas. Furthermore, once an illegal vote is cast on a voting machine it is impossible to undo it because there is no way to separate it from a legal vote.

Precincts using voting machines may experience these problems.

1. Machines are not pretested and examined.
2. Polls open with machines registering votes instead of being set at zero.
3. Meter number is covered with paper indicating zero, to conceal an advanced reading showing votes already cast.
4. Practice machine used to record vote, and official machine used for practice.
5. Candidates' names reversed in position, or out of position, or upside down.
6. Curtain is not closed and is manipulated to prevent closing and the registering of the vote for certain person.
7. Exchanging or moving machines during voting period without proper record of the vote count.
8. Illegal assistance may be largest abuse, resulting from judge going into booth and, in effect, voting for the voter regardless of what the voter's true wishes are.
9. Improper instructions are given, resulting in vote desired by official.
10. Handles have been painted to facilitate following improper instructions.
11. Defective machines and slow repair used in certain areas to obstruct voting.
12. False claims that machine is not working properly to delay and discourage voters.
13. False claims that machine did not register used as excuse to call certain voters to return to vote again.
14. During machine repairs, vote total may be changed.
15. Even though the machine operated properly, the meter must be correctly read and tallied.
16. Failure to supply enough machines to the precinct, so that voters will have to wait in line and may go home without voting.

WITNESS STATEMENT

COUNTY _____ PRECINCT _____

NAME OF WITNESS _____

ADDRESS _____

Phone _____

Official Position: Poll Worker [] Election Judge [] Other _____ []

What Happened: (Please include names of all involved)

I have read the above and it is true and accurate:

Name (please print) _____

Time _____ Date _____

Signature of Witness _____

**ELECTION HANDBOOK
of the
STATE OF NEW MEXICO**

1999 EDITION



**REBECCA VIGIL-GIRON
Secretary of State**

1-2-23. Challengers; permitted activities.

A. A challenger or alternate challenger, upon presentation of his written appointment to the precinct board, shall be permitted to be present from the time the precinct board convenes at the polling place until the completion of the counting and tallying of the ballots after the polls close.

B. A challenger or alternate challenger, for the purpose of interposing challenges, may:

- (1) inspect the registration book or precinct voter list for the purpose of determining whether he desires to interpose a challenge;
- (2) inspect the pollbooks, registration book or signature rosters to determine whether entries are being made in accordance with the Election Code [this chapter];
- (3) examine each voting machine before the polls are opened to compare the number on the metal seal and the numbers on the counters with the numbers on the key envelope and to see that all ballot labels are in their proper places and that the voting machine is ready for voting at the opening of the polls; and
- (4) make in any polling place and preserve for future reference written memoranda of any action or omission on the part of any member of the precinct board.

1-2-24. Challengers; identification badges.

At all times while they are present in the polling place, challengers shall wear uniform identification badges designating them as authorized challengers of the political party which they represent. They shall not wear any other form of identification, party or candidate pins. The secretary of state shall prescribe the form and materials of such badges and such badges shall be furnished to the challengers by the presiding judge upon presentation of their written appointments.

1-2-25. Challengers; prohibited activities.

A. Challengers and alternate challengers shall not be permitted to perform any duty of a precinct board member. Challengers and alternate challengers shall not handle the ballots, pollbooks, signature rosters or voting machines or take any part in the tallying or counting of the ballots.

B. Only one challenger or alternate challenger for each political party in each precinct shall be permitted at one time in the room in which the voting is being conducted.

C. Challengers shall not interfere with the orderly conduct of the election.

1-2-26. Challengers; penalty.

The act of denying a challenger or alternate challenger, who has presented his written appointment to the precinct board, the right to be present at the polling place, or denying him the right to challenge voters and inspect the registration books, signature rosters or pollbooks, or denying him the right to witness the counting and tallying of ballots is a petty misdemeanor.

1-20-7. Voter lists; signature rosters; use during election.

- A. Each precinct board using voter lists shall post securely at or near the entrance of the polling place one copy of the voter list for use of the voters prior to voting. The posted copy shall not contain a listing of voter social security numbers.
- B. The presiding judge of the precinct board shall assign one judge of the board to be in charge of one copy of the voter list which shall be used to confirm the registration and voting of each person offering to vote.
- C. The presiding judge of the precinct board shall assign one election clerk to be in charge of the signature roster.
- D. The judge assigned to the voter list used for confirmation of registration and voting shall determine that each person offering to vote is registered and, in the case of a primary election, that such voter is registered in a party designated on the primary election ballot. If the person's registration is confirmed by the presence of his name on the voter list or if the person presents a certificate under the seal and signature of the county clerk showing that he is entitled to vote in the election and to vote in that precinct, then the judge shall announce to the election clerks the list number and the name of the voter as shown on the voter list.
- E. The election clerk shall locate that list number and name on the signature roster and shall require the voter to sign his usual signature or, if unable to write, to make his mark opposite his printed name. If the voter makes his mark, it shall be witnessed by one of the judges of the precinct board.
- F. No voter shall be permitted to vote until he has properly signed his usual signature or made his mark in the signature roster.
- G. After the poll is closed, the election clerk in charge of a signature roster shall draw a single horizontal line in ink through each signature space in the signature roster where no signature or mark appears.

1-20-8. False voting.

False voting consists of:

- A. voting, or offering to vote, with the knowledge of not being a qualified elector;
- B. voting, or offering to vote, in the name of any other person;
- C. knowingly voting, or offering to vote, in any precinct except that in which one is registered;
- D. voting, or offering to vote, more than once in the same election;
- E. inducing, abetting or procuring, or attempting to induce, abet or procure, a person known to not be a qualified elector to vote; or
- F. inducing, abetting or procuring, or attempting to induce, abet or procure, a person who, having voted once in any election, to vote, or attempt to vote again at the same election.

Whoever commits false voting is guilty of a fourth degree felony.

1-20-11. Offering a bribe.

Offering a bribe consists of willfully advancing, paying, or causing to be paid, or promising, directly or indirectly, any money or other valuable consideration, office or employment, to any person for the following purposes connected with or incidental to any election:

- A. to induce such person, if a voter, to vote or refrain from voting for or against any candidate, proposition, question or constitutional amendment;
- B. to induce such person, if a precinct board member or other election official, to mark, alter, suppress or otherwise change any ballot that has been cast, any election return, or any certificate of election; or
- C. to induce such person to use such payment or promise to bribe others for the purposes specified in this section.

Whoever offers a bribe is guilty of a fourth degree felony.

1-20-14. Intimidation.

Intimidation consists of inducing or attempting to induce fear in any member of a precinct board, voter, challenger or watcher by use of or threatened use of force, violence, infliction of damage, harm or loss or any form of economic retaliation, upon any voter, precinct board member, challenger or watcher for the purpose of impeding or preventing the free exercise of the elective franchise or the impartial administration of the election or Election Code [this chapter].

Whoever commits intimidation is guilty of a fourth degree felony.

1-20-16. Electioneering too close to the polling place.

Electioneering too close to the polling place consists of any form of campaigning on election day within one hundred feet of the building in which the polling place is located, and includes the display of signs or distribution of campaign literature.

Whoever commits electioneering too close to the polling place is guilty of a petty misdemeanor.

1-20-17. Obstructing the polling place.

Obstructing the polling place consists of:

A. approaching nearer than fifty feet from any polling place during the conduct of the election unless a voter offering to vote, a member of the precinct board, a lawfully appointed challenger or watcher, an election official having business in the polling place or a person authorized by the Election Code [this chapter] to give assistance to a voter; or

B. willfully blocking the entrance to the polling place so as to prevent free ingress and egress.

Whoever obstructs the polling place is guilty of a petty misdemeanor.

1-20-20. Disturbing the polling place.

Disturbing the polling place consists of creating any disorder or disruption at the polling place on election day, or consists of interfering with in any manner the conduct of the election or with a member of the precinct board, voter, challenger or watcher, in the performance of his duties.

Whoever disturbs the polling place is guilty of a petty misdemeanor.

1-20-21. Unlawful possession of alcoholic liquors.

Unlawful possession of alcoholic liquors consists of the use or possession of any alcoholic liquor by any member of the precinct board while performing his official duties on election day. Unlawful possession also consists of the use, possession or carrying of alcoholic liquor within two hundred feet of the polling place during any election.

Whoever commits unlawful possession of alcoholic liquors is guilty of a petty misdemeanor.

Confidential
Attorney Client Privileged
Attorney Work Product

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

AFFIDAVIT OF PHYLISHA SAMORA

Before me, the undersigned, on this day appeared Phylisha Samora, who after being duly sworn, deposed and stated as follows:

1. My name is Phylisha Samora. I am over 18 years of age, am fully competent to make this affidavit and have personal knowledge of the facts stated herein:
2. On November 7, 2000 I worked as a Poll Challenger in Bernalillo County, Precinct 95. At 8:25 a.m. a man named Raymond Rodriguez entered the polling place. I was informed by Raymond Elder, another Poll Challenger, that Mr. Rodriguez had already voted earlier that morning. I immediately brought Mr. Rodriguez to the attention of a Precinct 95 Poll Worker who indicated that Mr. Rodriguez had indeed already voted. While I was attempting to challenge Mr. Rodriguez' vote, the Presiding Judge, Dolores Maestus, allowed Mr. Rodriguez to enter the voting booth and vote. After casting his vote Mr. Rodriguez then walked over to the signature roster and signed in as Raymond Rodriguez.
3. Mr. Rodriguez later returned to Precinct 95 and I pointed him out to the Presiding Judge, Dolores Maestus, who did not allow him to vote a third time.
4. In addition, despite my protests to the Presiding Judge, Mr. Rodriguez was allowed to pick up and rifle through the official Voter Sign-In/Signature Roster. The clerks also informed Mr. Rodriguez, upon his inquiry, whether specific individuals had voted.

Phylisha Samora
Phylisha Samora

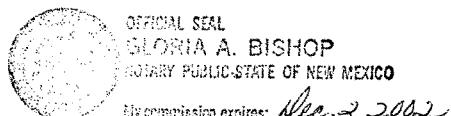
State of New Mexico
County of Bernalillo

SUBSCRIBED AND SWORN to before me this 27th day of February, 2001 by Phylisha Samora.

Gloria A. Bishop
Notary Public

My Commission Expires:

December 2, 2002



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Attorney Work Product

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

AFFIDAVIT OF RAYMOND ELDER

Before me, the undersigned, on this day appeared Raymond Elder, who after being duly sworn, deposed and stated as follows:

1. My name is Raymond Elder. I am over 18 years of age, am fully competent to make this affidavit and have personal knowledge of the facts stated herein.
2. On November 7, 2000, I worked as a Poll Challenger in Bernalillo County at Precinct 106 located at East San Jose Elementary School. At 3:30 p.m., I overheard a conversation between Patrick Gutierrez and Jesus Chavez in which Mr. Gutierrez told Mr. Chavez that they would get paid if they voted a straight Democratic ticket.
3. I approached the Presiding Judge, Patrick Hernandez, and challenged the two voters. Judge Hernandez did not honor my challenge to have them vote on paper ballots. He allowed them to vote on the machines. He did not write challenge next to their names on the voter roster.
4. The two men signed the voter roster as: Patrick Gutierrez #267 and Jesus Chavez #112.

State of New Mexico
County of Bernalillo

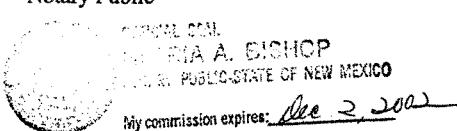
SUBSCRIBED AND SWORN to me before this 23rd day of November 2000, by
Raymond Elder.

My Commission Expires:

December 2, 2002


Raymond Elder

Notary Public



CHALLENGED INCIDENT REPORT

Date: 11-1 Time of Incident: 510County: Rene Precinct: 9Polling Place Location: Alameda Elem. Voting Machine Malfunction Illegal Layout at Polls Challenged Credentials Unauthorized Person in Polls Illegal Assistance Denial of Right to Vote Poll Not at Advertised Location Candidate Electioneering in Polls Improper Handling of Ballots Other

What Happened:

DOB shows born in 1905, looks to be mid 40's.UnattendedPJ checked both CC and name, address, SSN all check out
except for DOB.Wrote vote w/paper ballot - not on the machine.Persons Involved: Judge S. (Auger), DSN 565-99-1526Presiding Judge: E. (Hartman)Witnesses: Shana (Don Nichols)
Address: 1661 1/2 Ton 3 PL SE Phone 505-292-2328

Phone Call to Headquarters received by:

Instructions: No Auger filed out paper ballot incorrect challenge deniedFiled out Reg. with correct DOB. Paper ballot sealed w/challenge st.?Signed: 4/14

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

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ATTORNEY WORK PRODUCT

AFFIDAVIT OF TIFFANY ALONZO

Before me, the undersigned, on this day appeared Tiffany Alonzo, who after being duly sworn, deposed and stated as follows:

1. My name is Tiffany Alonzo. I am over 18 years of age, am fully competent to make this affidavit and have personal knowledge of the facts stated herein.
2. In September 2000, my husband and I filled out Bernalillo County Voter Registration forms at the Republican Party's booth at the New Mexico State Fair. The forms were hand-carried to the Bernalillo County Clerk's office.
3. In October 2000, my husband received his Bernalillo County Voter Registration card but I did not. I called the Bernalillo County Clerk's office to inquire about the status of my voter registration and the clerk informed me that I was not in the system and that they could not find my registration form. I followed up with five additional phone calls to the Bernalillo County Clerk's office in an effort to properly register to vote in time for the November 7th, elections. Despite five phone calls, the clerk's office could not find my name in the registered voter record system or my voter registration paperwork..
4. I called the Bernalillo County Republican Party and explained my situation to them. The Republican Party said they could not help me. I called the Secretary of State's office and the Attorney General's office. An employee at the Attorney General's office told me "tough luck". I then called the Democrat Party of New Mexico Headquarters in Albuquerque and spoke to a woman named Claire. I said I was a Democrat who wanted to vote November 7th and explained that the county clerk could not find my paperwork. Claire took down my information over the phone. Forty-five minutes later, I received a phone call from the Bernalillo County Clerk's office informing me that they had found my voter registration paperwork. Only after contacting the Democrat Party of New Mexico was I able to become a registered voter in Bernalillo County.

Tiffany R. Alonzo
Tiffany Alonzo

State of New Mexico
County of Bernalillo

SUBSCRIBED AND SWORN to before me this 20th day of November, 2000, by Tiffany Alonzo.

Gloria A. Bishop

Notary Public



My Commission Expires:

December 2, 2002

My commission expires: Dec. 2, 2002

FAIRVOTE 2000

REPORT LOG

Date: 11-7-00 Time: _____
 Name: Reina Cain (aunt) Wants To Remain Anonymous
 Address: Reported relative who is not a citizen was allowed to register
 Phone 896-3256 Work _____ Cell 702-609-1900
 County Bernalillo Precinct # 283

INCIDENT REPORT

Date of Incident: 11-7-00 Time of Incident: _____
 Location: Bernalillo County
 Persons Involved: None

What Happened: Illegal alien allowed to vote in Bernalillo County?
Has a niece who has a son married to a non-citizen.

Olga Chavez - lives in South Valley was allowed
to register and vote in Bernalillo County,

323 California SE 87108

Olga IDOLIA CHAVEZ ~~no birth date~~
birthdate 1978

Registered in precinct # 283 / ~~Franklin County, Nevada~~

House District #17

Senate District #19

Registered Oct 19, 2000
by County Clerk
 Name of Person Taking Report: _____

Possible Voter Fraud!!!!!!

Check Cibola County, Absentee Balotts, for Christopher Moore, & Arthur Moore. I know that Christopher Moore did not vote, He was in North Carolina. Plus he is registered in Louisiana, Rapides Parish. Arthur Moore is in Lakeland Florida, I am sure he did not vote. Check post marks, I believe you will find New Mexico post marks. They have not been in New Mexico for over 4 months.

If you find this to be so, contact me and I will give you who had thier ballots and vote for them!

**Orville Moore
318-442-5753**

Date: _____ Time of Incident: 9:37 a.m.County: Bernalillo Precinct: 287Polling Place Location: Van Buren M. ddleschule Voting Machine Malfunction Illegal Layout at Polls Challenged Credentials Unauthorized Person in Polls Illegal Assistance Denial of Right to Vote Poll Not at Advertised Location Candidate Electioneering in Polls Improper Handling of Ballots Other

What Happened:

Presiding judge, Ernest Sotelo, enters voting booth. Voter, holds voter's hand and pushes button with him
See more over

Persons Involved: Presiding judge/unidentified voterPresiding Judge: Ernest Sotelo

Witnesses: _____

Address: _____ Phone: _____

Phone Call to Headquarters received by: Ron GladbyInstructions: NoneSigned Roger Kulp

12:00 p.m.

Machine Tapes Mixed

Roster Data Up

(PCT 286)

Date: 11-06-00 Time of Incident: 6:50 AM

County BERNALILLO Precinct 99

Polling Place Location: LOS PAVILLAS COMMUNITY CENTER

Voting Machine Malfunction Illegal Layout at Polls
 Challenged Credentials Unauthorized Person in Polls
 Illegal Assistance Denial of Right to Vote
 Poll Not at Advertised Location Candidate Electioneering in Polls
 Improper Handling of Ballots Other

What Happened:

AT 6:45 AM MACHINE "A" HAD A VOTE
REGISTER COULD NOT FIND JUDGE IRMA GONZALEZ
SAID THAT SHE LET A CO-WORKER VOTE EARLIER, ALSO
TO MAKE SURE IT WAS WORKING.

Persons Involved: _____

Presiding Judge: IRMA GONZALEZ

Witnesses: ROSA L ARUZU

Address: 6345 ENCINO DR NW Phone 212-2020

Phone Call to Headquarters received by: _____

Instructions: _____

Signed ROSA L ARUZU

WITNESS STATEMENT

COUNTY BERKSHIRE PRECINCT 91NAME OF WITNESS Rosal J. OrtegaADDRESS 6845 JACQUELINE RD SWPhone (505) 873-8433Official Position: Poll Worker Election Judge Other

What Happened: (Please include names of all involved)

On machine "A" was a number I register, we ask the Judge In a Forest, she stated that a co-worker had voted earlier than 6:50 AM.

I have read the above and it is true and accurate:

Name (please print) Rosal J. OrtegaTime 6:50 AM Date 11-7-00Signature of Witness Rosal J. Ortega
Dilsey

Date: 11/7/2022 Time of Incident: 6:50

County Bernalillo Precinct: #99

Polling Place Location: Los Padiess Elementary Community Center

Voting Machine Malfunction Illegal Layout at Polls

Challenged Credentials Unauthorized Person in Polls

Illegal Assistance Denial of Right to Vote

Poll Not at Advertised Location Candidate Electioneering in Polls

Improper Handling of Ballots Other

What Happened:

there was 1 vote count on
machine at 6:50 ten minutes early.
Presiding Judge let poll worker start
before polls were open.

Persons Involved:

Presiding Judge: Jana Gonzales

Witnesses: D. J. Otero et al. Store Manager

Address: _____ Phone: _____

Phone Call to Headquarters received by: _____

Instructions:

Signed: _____

VALENCIA COUNTY

Republican absentee voters requesting ballots and such ballots were not received or received too late to return, despite early, timely requests:

1. Mary Frances Sharkey
2. Mark E. Bourdeau
3. Grant V. Farnsworth
4. Mark A. Bennett
5. Danny McMillin
6. Farris W.M. Davis
7. Michael M. Baca
8. Robert Anthony Espinosa
9. Jeaneice Horton
10. Jared R. Bowman
11. Johnny Torrez
12. Larry D. Richards
13. Jennifer L. Jaramillo
14. Noah W. Berg
15. Charles Kevin Earl
16. Jay D. Lauson
17. Camilla Greenwood
18. Jennifer M. Burrows
19. Jason W. Peck
20. Karen E. Burrows
21. Jessica M. Coombs
22. Patrick J. Armijo
23. Isabel C. Flores
24. Frank D. Cox
25. Ellamay C. Wilson
26. Laura C. Walck
27. Erin Mercedes Baca
28. Tim I. Wilcox
29. Vivian J. Guzman
30. Linwood A. Carlton
31. Vivian J. Guzman

Wall Street Journal 2-10-01
 A10

REVIEW & OUTLOOK

Dead Men Voting

Television network executives appeared at a Congressional hearing this week to issue mea culpas about their inaccurate exit polls on Election Night. Andrew Lack of NBC News also admitted that "we didn't do nearly enough digging" into how antiquated and shoddy voting procedures are in many states. "Now that's a story," he said.

Yawn. How about a real story? How about NBC or one of these other hard-charging network news divisions sending out its crack investigative teams to report on voting fraud. You know, dead men voting. If NBC wants to put its investigative unit on a plane to St. Louis this morning, it'll find a voting fraud story waiting with a ribbon around it. In St. Louis, an investigation has found that nearly all 3,000 registrations dropped off by a single individual in one batch just before close of business on Feb. 7 (the deadline for registering for the mayoral race) were fraudulent. Similar questions have been raised about November's elections.

A grand jury has been convened. Yesterday morning, the St. Louis Post-Dispatch editorialized that the city "appears to have a full-blown election scandal," and that in any investigation Democratic Governor Bob Holden must "show he can escape the pull of the Democratic machine" that delivered his narrow 21,000 vote victory last November.

So far Governor Holden is acting responsibly. He is backing an examination of 29,500 now suspect registration cards that were turned in just before last November's election and says he is "leaning toward" replacing all four members of the city's election board. But he also should lend support to a full investigation of voting irregularities in St. Louis. A revealing 250-page report compiled by local lawyers was delivered last week to the U.S. Attorney.

Everyone knew last year that Missouri was a battleground state; it's voted for the winner in every Presidential election in the 20th century save one. And so the national Democratic Party got upset when it learned, after the close of registration, that the rolls had been pruned of people who hadn't voted in years and had failed to respond to a written query about their status earlier that year. Then on Election Day itself, in what became a famous story at the time, Democrats sued and convinced a local Missouri

judge to ignore state law and keep the St. Louis polls open for three hours past the 7 p.m. closing time. A state appeals court promptly overruled the order at 7:45 pm.

The details of the Democratic lawsuit are really something to behold. The lead plaintiff, named Robert D. Odom, claimed he had been denied the right to vote. But then it was learned that Mr. Odom had died in 1999. Whereupon the Democrats said the real plaintiff was Robert M. Odom, who happened to be a top aide to Democratic Rep. Lacy Clay. But after it turned out that the living Mr. Odom had actually voted early that day, Democratic lawyer Douglas Dowd didn't modify the lawsuit or inform the judge. "I didn't have to," he told the St. Louis Post-Dispatch.

All of this has convinced Missouri's GOP Senator Kit Bond that the lawsuit was a premeditated attempt to "hijack the election." He notes media reports that Rep. Clay told Al Gore's final campaign rally that he would "get a court order" the next day to keep the polls open. The Democratic suit was filed about 3 p.m., and at that time voters began getting pre-recorded phone messages from Jesse Jackson informing them they could vote late. A short while later, none other than Al Gore himself phoned a popular radio talk show to tell the audience the polls would stay open. "They pulled the same stunt when I ran for governor in 1972," Senator Bond told us. "This will be the last time." He calls last November's photo-finish losses by John Ashcroft for senator and Jim Talent for governor "a mess on the scale of Florida" that demands a full review.

Senator Bond isn't alone. A group of prominent black leaders, including the Rev. Earl Nance Jr., wants a meeting with city officials to ensure that next month's mayoral race doesn't turn into as much of a "fiasco" as last November's election.

Voter fraud isn't confined to St. Louis. In fact, once the networks clean up voting in St. Louis, they can move on to San Francisco, Philadelphia, and even Miami where the local newspapers have already done the reporting on past scandals. But just now, all the elements of a good story await the national media in St. Louis: legal chicanery, colorful characters, angry voters, even the Rev. Jackson. Your

Phantom Voters May Have Real Impact at Polls

By JOHN H. FUND

The audience laughed at the end of the third debate when George W. Bush closed by thanking his supporters and saying "for those of you for my opponent, please vote only once." It was a joke, but one with serious overtones.

Many experts think this election could be as close as the one in 1960, when John F. Kennedy won by less than one vote per precinct. If so, this year's election could include similar allegations of vote fraud. "Just as in 1960, the temptation to steal votes in key swing states will be enormous," says political scientist Larry Sabato of the University of Virginia. "Compliance is so great and enforcement so lax that the odds are we'll never know how much fraud was committed."

Kennedy supporters used local political bosses in Chicago and Texas to pad vote totals. Vote fraud today is more sophisticated, but may be just as pervasive. "We have the modern world's sloppiest election systems," says University of Texas political scientist Walter Dean Burnham.

Indeed, voter fraud has become a bigger problem since 1995 federal Motor Voter law requires states to allow people to register to vote when they get a driver's license; 47 states don't require any proof of U.S. residence for enrollment. Motor Voter has added some eight million people to the rolls, but the bipartisan polling team of Ed Goeas and Celinda Lake estimates that less than 5% of "motor voters" normally go to the polls. The Justice Department has often blocked states from weeding out people who have died or changed addresses.

That's important because in most states you don't have to show photo identification to vote, making it quite easy for

someone to vote in someone else's name. It also makes it easier to manipulate the growing number of absentee ballots. In 1996, more than 40% of ballots cast in Washington, Oregon and Nevada were absentee votes. Another 13 states saw between 20% and 40% of their votes cast absentee.

In 1998, the mayoral election in Miami was thrown out after it was learned "vote brokers" had signed hundreds of phony absentee ballots. That same year, former Democratic Rep. Austin Murphy of Pennsylvania was convicted of absentee voter fraud. "In this area there's a pattern of nursing-home administrators frequently forging ballots under residents' names," says Sean Cavanagh, a Democratic county supervisor who uncovered the scandal. He believes law enforcement turns a blind eye to voter fraud in many other places.

A number of hotly contested races this year could hinge on voter fraud. Rep. James Rogan (R., Calif.), a House impeachment manager, says that in this year's primary his sister-in-law accidentally discovered someone had cast an absentee ballot in her name. "The system is ripe for abuse," says Mr. Rogan, a former municipal judge.

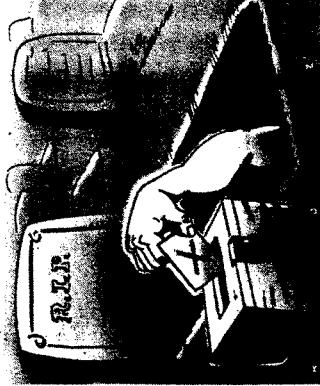
Mr. Rogan's biggest complaint is that California and many other states don't require voters to show any identification at the polls. This continues at a time when you have to show photo ID to cash a check, board an airplane or even get a library card. Those under age 27 now have to

show ID to buy cigarettes, but not to vote. Four attempts to pass a photo ID requirement in California have died in the legislature.

Some politicians try to make the current system even more susceptible to fraud. Vice President Gore's office took the lead in convincing the Immigration and Naturalization Service to waive voter ID requirements. In 1996, the Justice Department has become expert at raising cries of "voter intimidation" at any attempt to monitor polling places. Last week Justice dispatched investigators to Fort Worth, Texas, merely because a political activist there distributed leaflets alleging Democrats were casting absentee ballots on behalf of shut-in voters. When the *Midland Herald* won a Pulitzer Prize for its reporting on the fraud in that city's mayoral election, the Pulitzer jury noted it had been subject to a public campaign attacking the paper of ethnic bias and attempting to purge voter rolls of felons and noncitizens have been hit with nuisance lawsuits alleging civil-rights abuse.

Nonsense. A generation ago, the existence of forms of voter intimidation represented a real threat to local democracy. But those problems have receded, only to be replaced by old-fashioned ballot rigging. This year saw teams of election observers in Peru, Zimbabwe and Yugoslavia, countries where fraud has been rampant. Perhaps it's time for some election observers in our own backyard. Surely the right to vote includes an equal right not to have that ballot diluted by phantom or manipulated voters, especially when the stakes are nothing less than the presidency.

Mr. Fund is a member of the *Journal's* editorial board. His *Political Diary* appears on OpinionJournal.com.



Mark Kostabi

and Naturalization Service to waive "stupid rules" on background checks so that hundreds of thousands of people awaiting citizenship would be "processed in time" for the 1996 election. It was later learned that 75,000 new citizens had arrest records when they applied. A spot check of 100 random new citizens by the House Judiciary Committee found that 20% of the sample had been arrested for serious crimes after they were given citizenship.

What can be done about voter fraud? This year, Virginia will require voters to show ID or sign a sworn statement of their identity. The Voting Integrity Project, a

REGISTRATION				El Volante Debe Firmar A
426	GARCIA, M. CARMEN 5422 MONTEZUMA AV	MS	D	1963 426
427	GARCIA, MARGARITA R 5119 ISAACKS AV	MS	066	1961 427
428	GARCIA, MELISSA T 9635 BUTTERFIELD BL	MS	D	1950 428
429	GARCIA, MILLIE P 4880 WILT AV	MS	D	1954 429
430	GARCIA, MONICA L 4971 BALSAM RD	MS	066	1977 430
431	GARCIA, RIGOBERTO 5751 WILT AV	MS	7	1955 431
432	GARCIA, TERESA 5214 MORNINGSIDE RD	MS	066	1961 432
433	GARCIA, VINCENT M 5214 MORNINGSIDE RD	MR	R	1962 433
434	GARIBAY, SUSTAVO M 5412 LILLA RD	MS	D	1961 434
435	GARIBAY, MYRNA L 5412 LILLA RD	MS	D	1961 435
436	GARRETT, KIRK P 5025 PORTER DR	MR	066	1969 436
437	GARVEY, CAROL A 5150 WILD FLOWER ST	MS	D	1937 437
438	GASKINS, CAROLINA R 4279 ALPINE CT	MS	R	1980 438
439	GASKINS, GREGORY Z 4279 ALPINE CT	MR	R	1975 439
440	GAYTAN, MARY M 10151 FLORET LN # 3	MS	R	1964 440
441	GEORGE, HAROLD G 6519 JEFFERSON RD	MR	R	1926 441
442	GEORGE, STEPHEN W 6725 GROOMS RD	MR	066	1965 442 **
443	GEROWA, MILLARD D 6850 ALDRICH RD	MR	D	1922 443
444	GIBECNS, CLORA C 9526 BUTTERFIELD BL	MS	R	1978 444
445	GIESON, THOMAS E 9660 EASY LN	MR	066	1945 445
46	GIESON, THOMAS EDWARD II 9660 EASY LN	MR	066	1978 446
47	GIESER, KAREN ELIZABETH 5306 DOUGLAS AV	MS	R	1947 447
48	GIESER, R. SEAN 5306 DOUGLAS AV	MR	R	1907 448
49	GIESER, REGAN W 5306 DOUGLAS AV	MR	066	1945 449
50	GILKESON, JOHN M 4445 BUTTERFLY LN	MR	066	1957 450
TOTALS				
PRECINCT 5 ANAL COUNTY				
5 11/07/00 063 001 1 Rep Grn Totals				

		MS	8	1960	1003	Summary 1003 Valenzuela
1003	VALDEZ, SYLVIA N.	MS	065			
	5300 SADDLE MOUNTAIN RD # 1					
1004	VALENZUELA, CHRISTINA M.	MS	7	1981	1004	
	7881 N MAIN ST	065				
1005	VALENZUELA, GAIL D	MS	—	1964	1005	Gail Valenzuela
	5377 MIDWAY AV	065				
1006	VALENZUELA, GUADALUPE M	MS	D	1960	1006	Guadalupe Valenzuela
	7395 KINGS RD	065				
1007	VALENZUELA, HORTENCIA	MS	D	1944	1007	Hortencia Valenzuela
	5444 GENESIS LN	065				
1008	VALENZUELA, LUCY O	MS	—	1956	1008	Lucy Valenzuela
	8205 PROPHET CR	065				
1009	VALENZUELA, RAMIRO S	MS	D	1955	1009	
	7881 N MAIN ST	065				
1010	VALENZUELA, ROMAN A	MS	D	1912	1010	
	5444 GENESIS LN	065				
1011	VALENZUELA, ROSEANN	MS	—	1942	1011	EARLY
	5436 MESA DR	065				
1012	VALLES, NORMA J	MS	D	1977	1012	Norma Valles
	5365 MESA DR	065				
1013	VANKINKLE, LAVONNE J	MS	D	1925	1013	Lavonne Vankinkle
	5311 GAS LINE RD	065				
1014	VANKINKLE, SHERYL L	MS	R	1950	1014	Sheryl Vankinkle
	5200 GAS LINE RD	065				
1015	VAQUERA, CARMEN	MS	D	1944	1015	Carmen Vaquera
	5426 SANTA CRUZ AV	065				
1016	VAQUERA, WILLIE A	MS	D	1928	1016	Willie Vaquera
	5428 SANTA CRUZ AV	065				
1017	AREL, LENA R	MS	—	1930	1017	**
	417 RUBY DR	065				
1018	VASQUEZ, ALFRED	MS	R	1945	1018	Alfred Vasquez
	7220 ROUNDTABLE CT	065				
1019	VASQUEZ, ELEIDA	MS	B	1959	1019	
	1C301 BARAKA CT	065				
1020	VASQUEZ, EMMA	MS	D	1945	1020	
	7220 ROUNDTABLE CT	065				
1021	VASQUEZ, LUCY M	MS	—	1941	1021	Lucy Vasquez
	6525 MESA DR	065				
1022	VIGIL, MARICRUZ	MS	D	1970	1022	Maricruz Vigil
	5051 ANSWER DR	065				
1023	VILLALOBOS, GLORIA J	MS	D	1960	1023	Don Villalobos
	7630 MOONSTONE ST	065				
1024	VILLARREAL, ISRAEL	MS	D	1975	1024	Isreal Villarreal
	7582 MOORE CR # 104	065				
1025	VILLEGRAS, BLANCA	MS	—	1969	1025	
	5265 SADDLE MOUNTAIN RD # 2	065				

GENERAL
DONA ANA COUNTY PRECINCT 1 11/17/80
Sect 885 Date 41 Rep Grn Totals 14

Signature of County Clerk

										El Votante Debe Firmar Aqui	
426	GOSSEMAND, LAURA L	MS	2	1953	426						
	2200 CORLEY DR # 38	052									
427	GOSSEMAND, RACHEL J	MS	0	1980	427						
	2200 CORLEY DR # 98	052									
428	GOTTSCHE, STEPHEN	VR	2	1952	428						<i>Stephen Gottsch</i>
	1952 WYOMING AV	052									
429	GOUGH, LINDA J	MS	1	1971	429						
	2325 BENZIE DR # 23	052									
430	GORMAN, JULIA A	MS	2	1969	470 **						
	1952 WYOMING AV	052									
431	GRANZ, CAREY ANNE	MS	8	1980	431						
	2049 TRIVIZ DR # F-13	052									
432	GRAY, SHANON M	MS	2	1978	432						<i>Shanone Gray</i>
	1915 PAYNE ST	052									
433	GREENOUGH, ROBERT J	MR	2	1976	433 **						
	2200 CORLEY DR # 2A	052									
434	GREENWOOD, MELISSA	MS	2	1979	434						<i>Melissa Green</i>
	1900 WYOMING AV # 74	052									
435	GREGORY, BURNE A	MR	2	1976	435						<i>Burne Gregory</i>
	1952 TRIVIZ DR	052									
436	GREGORY, STEPHANIE L	MS	2	1976	436						<i>Stephanie Gregory</i>
	1852 TRIVIZ DR # 1	052									
437	GRISSOM, DR. ANTHONY	MR	2	1978	437						
	1904 WYOMING AV # 16	052									
438	GROTHNER, CAROLE L	MS	2	1971	438 **						
	2200 WISCONSIN AV # 9A	052									
439	GROVES, LAFAYETTE	MR	2	1935	439						
	2350 MISSOURI AV	052									
440	BRUINS, MICHAL N	MR	2	1967	440 **						
	2049 TRIVIZ DR # 4-20	052									
441	GUTHARD, DAHNE A	MS	2	1950	441 **						
	2049 TRIVIZ DR # F-19	052									
442	GUMMER, TODD J	VR	2	1963	442	ABSENTEE					
	1714 TRIVIZ DR	052									
443	GURTATOWSKI, MATT T	MR	2	1967	443 **						
	2049 TRIVIZ DR # G12	052									
444	GUTHRIE, V. J. YOUNG	MS	2	1963	444 **						
	1952 WYOMING AV	052									
445	GUTIERREZ, VERONICA T	MS	2	1980	445	<i>Veronica Gutierrez</i>					
	2049 TRIVIZ DR # A17	052									
446	HAAC, WALTER H	VR	2	1977	446	<i>Walter H. Haac</i>					
	2025 THOMAS DR	052									
447	HACKLER, LINDA R	MS	2	1943	447	<i>Linda Hackler</i>					
	2250 MISSOURI AV # 1-F	052									
448	HACKLEY, VICKI L	MS	2	1979	448	ABSENTEE					
	2200 CORLEY DR # 20	052									
449	HAGEMAN, KRISTY D	MS	1	1977	449	<i>Kristy Hageman</i>					
	1825 THOMAS DR # 85	052									
450	HAGEN, LORE	MS	2	1974	450 **	<i>Lori Hagen</i>					
	2100 CORLENE DR	052									

Signatures Dem Rep Grn Totals 117

November 14, 1996

Election Fraud / Failure to properly mail Absentee Ballots

My husband and I moved to Leipzig Germany on short-term assignment on November 27, 1995. When I was back in Albuquerque in May, 1996, I called the Bureau of Elections to request absentee ballots for the National Election in November. The man that I talked with said that he was not sure of the National Election but that I would receive a ballot for the Primary election. I know that I was listed because I began receiving mailouts from various Republican candidates running in the Primary election at our Leipzig/Engelsdorf address. My ballot arrived on Election day, too late to do any good at all, but at least I had warning of what to expect for the general election.

We each received absentee ballot request forms for the General Election in November from the American Embassy in Berlin, mailed these to Albuquerque, and received the receipt card dated Sept. 11, 1996, and signed by T. Romero stating that our ballots would be mailed the end of September. When I had not received a ballot by the second week in October, a friend called this office to explain my problem and to ask if the ballots had been mailed. She was treated rudely and told that they had been mailed. She was also told that I would have to request an affidavit for a replacement absentee ballot if mine had been lost in the mail.

On October 14, I called Pete Domenici's office, explained to the lady who took my call what was happening, and asked if she could get any information for me. She returned my call, telling me that at first she was told that the ballots had been mailed on Sept. 28, but then she was transferred to someone else who checked and said that the ballots were to have been mailed on Sept. 28 but had not been mailed as of that day. It was agreed that since we would be in Fort Worth on October 17, the ballots would be mailed to that address. In fact an envelope did arrive on October 21, but it contained an application for an absentee ballot.

I again contacted Domenici's office and was told that I would be faxed an affidavit for a replacement absentee ballot. We each received a faxed affidavit which we immediately returned. My husband's ballot (258) arrived on Oct. 29, but due to tampering that had been done to my envelope (notice that the country Germany was altered to read NY), mine (257) did not arrive until Nov. 1.

On Oct. 18, I called the Absentee Ballot office and was flatly informed by Carla Romero that our ballots were mailed on Sept. 28, and that if they were "lost in the mail" that was not their problem. I asked for her supervisor and was connected with a Ms. Gallegos. I was spoken to rudely, informed again that the ballots had been mailed and had been lost in the mail if I had not received them. I replied that what they were doing consisted election fraud and was told that that was my opinion but I could do whatever I felt that I had to do about it.

These people in this office work for us, the citizens. I have a right to vote and to receive a ballot. The German mail service is excellent when mail is posted, and the mail is delivered promptly when addressed correctly (a delay occurs when addresses have to be checked). As

expected, my ballot (number 11) was received on or after Nov. 5, and my husband's ballot (number 10) arrived either Nov. 12 or 13. Due to back-to-back trips we are not certain of the dates that the ballots were delivered, only that they were not in the box the day that we left, but were there the day we returned). These were the ballots that had been mailed Sept. 28 and which were "lost in the mail". They arrived on time for the time that they were mailed. We cannot be the only people in Albuquerque who have been treated in this manner, and I feel that something needs to be done to remove this entire office staff and replace this entire office with honest and competent workers. The attitude of arrogance and hatefulness that I encountered simply by trying to receive a ballot to vote in an election is completely unexceptable to me. What has happened constitutes fraud and should involve some criminal penalties.

Sincerely,
Janet Schleyer
Janet Schleyer

Elect **Gunaji** NM Senate Dist. 38
 1993 Crescent Drive, Las Cruces, NM 88005 *****505-524-1693

November 6, 2000

Rita Torres
 County Clerk
 Doña Ana County Court House
 250 W. Amador
 Las Cruces, NM 88005

Ref.: Absentee Voter Karen R. George, 925 Levee Rd., Mesquite, NM 88048
 Registration No. 1808, page 181 on Absentee Voter List

Dear Ms. Torres:

This is to inform you that the above referenced voter received from your office a faulty ballot on which the candidates for NM Senate District 38 were not listed. Ms. George called to inform about this mishap prior to her traveling abroad and that she voted on the faulty ballot and returned the ballot to your office. She is not scheduled to return home until after the election.

NM Election Code requires that you send a correct ballot to each qualified absentee voter and I am very much perplexed about this continuing situation.

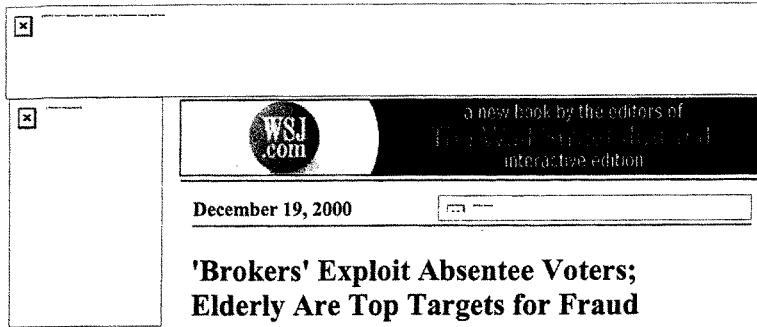
Sincerely,

Narendra Gunaji
 Narendra N. Gunaji
 Candidate for Senate District 38

cc:
 Mr. Wall
 Mr. Lutz
 Ms. Martinez
 NM Secretary of State

Grace M. Klement-Gunaji, Chair; George W. Roberts, Treasurer

647-7428
Carrie Madrid

**In this Section:**[World-Wide](#)[Asia](#)[Europe](#)[The Americas](#)[Economy](#)[Earnings Focus](#)[Politics & Policy](#)[Editorial Page](#)[Leisure & Arts](#)[Voices](#)[Weekend Journal](#)[Journal Links](#)[WSJ.com Audio:](#)[Business Update](#)[Markets Recap](#)[WSJ on Audible](#)[Learn More](#)[Journal Atlas:](#)[Table of Contents](#)[Headlines](#)[Business Index](#)[Search](#)[News Search](#)[Past Editions](#)[Briefing Books](#)[Quotes](#)By **GLENN R. SIMPSON and EVAN PEREZ**

Staff Reporters of THE WALL STREET JOURNAL

FORT STOCKTON, Texas -- When candidates need a little extra help winning an election here, they reach out to Candida Rangel, a 72-year-old grandmother who is the acknowledged expert at rustling up votes from elderly Hispanics in this dusty town.

Working for a candidate for district attorney in March, Ms. Rangel collected about 240 absentee ballots from local senior citizens, many of them illiterate Mexican immigrants who don't speak English. One, 79-year-old Zacarias Leyva, says Ms. Rangel showed up at his tiny house on an unmarked dirt road shortly after his ballot arrived in the mail, offering to help him fill it out -- with a vote for her employer.

"She told me the other guy was no good, and she wanted me to vote for this other one," he recalls. After he agreed, "She filled out the card, I signed it, and she took it," he says. Ms. Rangel, who was paid \$6 an hour by the candidate, denies she told anybody how to vote; still, a local judge, after hearing sworn testimony from Mr. Leyva and others, overturned the election result.

Incidents such as these illustrate a little-publicized downside to the nationwide surge in absentee voting. In an attempt to increase voter participation, many states have liberalized vote-by-mail laws. But they also have loosened already tenuous safeguards against fraud. With old-style ballot-box stuffing impractical these days, election-law experts say, the growth of absentee voting has provided new opportunities to cheat. It has also spawned a mini-industry of consultants who get out the absentee vote, sometimes using

No pre-trial settlement negotiations.

Sidelights Plaintiff counsel Lyle said the judge wouldn't let experts testify as to punitive or wrongful conduct. Plaintiff counsel also said that since the jury found negligence on the Defendant, it opened the door for the Plaintiff to appeal the directed verdict regarding punitive damages.

Jury consisted of six males and six females, including three Hispanics and nine Anglos.

Court U.S. District Court, District of New Mexico, Albuquerque Division **Week of** 01-22-2001

Judge Bruce D. Black **B.S. No.** G0005932

Cause No. 99cv00320 **Issue No.** NM04-01

Style Wayne E. Aiken vs. Rio Arriba Board of County Commissioners, Alfredo Montoya, Moises Morales and Lorenzo J. Valdez, in their individual and official capacities

Attorneys P - Mark Komer of Herrera, Long, Pound & Komer, P.A., Santa Fe

D - Rodney Galen Reimer of Butkus & Reimer, Albuquerque;
Richard Rosenstock, Santa Fe

Type of Claim CIVIL RIGHTS ACT, 42 U.S.C. §§ 1983, 1985, AND 1983/FIRST, FIFTH, AND FOURTEENTH AMENDMENTS/DUE PROCESS - Wayne Aiken, in his 30s, was an employee of Defendant Rio Arriba Board of County Commissioners for over four and a half years, serving as Executive Director of the Rio Arriba Housing Authority and Community Development and finally as Special Projects Administrator. Aiken was appointed as Special Projects Administrator by the Board on May 15, 1995. During the fall of 1996, at a county department head meeting, Defendant Montoya, the board's chairman, allegedly requested that Plaintiff and the other division directors participate in a petition drive to assemble a grand jury to review criminal allegations of voter fraud. Montoya also allegedly requested that each person that Plaintiff and the other division directors each contribute \$50.00 out of his or her personal funds to pay the legal fees related to circulating the petitions. Plaintiff allegedly refused to contribute money. In December 1996, Plaintiff refused to turn in his voter fraud petitions and refused to participate any further in Montoya's pursuit of voter fraud petitions and indictments.

In February of 1997, Plaintiff declared his candidacy for chair of his voter precinct. Montoya allegedly had stated he was not interested in the position of precinct chair, but approached Plaintiff and requested that he withdraw to ensure that Montoya's cousin, Johnny Sanchez, would be elected. Plaintiff refused. Montoya then entered the election and won the precinct chair, allegedly by a slim margin and in a controversial fashion. Plaintiff complained that Montoya had brought ineligible voters to the precinct election who then cast their votes for him.

That next month Plaintiff reported, to the Board of County Commissioners, issues of public concern relating to unauthorized activities by county employees.

In June 1997, a county employee who allegedly had his driver's license revoked, was allegedly engaged in an automobile accident while driving a county vehicle. Plaintiff's wife Darla, working as a private citizen, sought information relating to the county employee's vehicular accident and publicly requested investigation of the facts surrounding the employee's use of county vehicles. Wayne Aiken claimed he was then approached by Montoya, and that on more than one occasion Montoya had told Aiken to keep his wife quiet.

In August 1997, Plaintiff declared himself a candidate for chairman of the Board of County Commissioners, the seat held by Montoya. On September 9, 1997, Defendant Commissioner Lorenzo Valdez informed Plaintiff by letter that he was suspended with pay from September 9, through September 15, 1997, and terminated effective September 15, 1997.

Plaintiff alleged that Valdez terminated him in retaliation for the public concerns expressed by Plaintiff, for declaring his political candidacy against Montoya, and for Plaintiff's association with own wife. Plaintiff also contended that Morales and Valdez conspired to terminate Plaintiff without final approval or final action by the County Commissioners. Aiken also maintained that Montoya and Morales directed and/or encouraged Valdez to retaliate against and terminate him.

Defendants claimed they fired Aiken because of his poor performance record.

Damages Economic loss of income and benefits along with compensatory damages, front and back pay, punitive damages, attorney's fees, and prejudgment and post-judgment interest. His claim for lost wages totaled approximately \$45,000, and his future wage claim totaled between \$10,000 and \$85,000.

Experts P - Bruce Malott, C.P.A., Albuquerque, testified as to value of lost wages and future wage earnings

D - None

Verdict The jury found that the Defendants had violated the Plaintiff's First Amendment rights, and that he suffered injury as a direct result or reasonably probable consequence of the Defendants' conduct in the violation of those rights. It did not find that Defendants would have terminated Plaintiff even in the absence of his protected speech. Awarded:
 \$25,000 loss salary and benefits.
 \$ 1,000 emotional pain and mental anguish.
 \$30,000 Total Award.

Claim for future wage earnings and attorney's fees were pending before court but have now been settled for a confidential amount.

Verdict Date: 01-25-2001

Pre-trial demand: \$35,000+
 Pre-trial offer: \$10,000+

Sidelights Jury consisted of three males and five females, including four Anglos and four Hispanics.

CASES DISPOSED OF PRIOR TO TRIAL

Court U.S. District Court, District of New Mexico, Santa Fe Division **Week of** 09-11-2000

Judge Martha Vasquez **B.S. No.** G:00:05962

Cause No. 99cv01308 **Issue No.** NM04-01S

Style Steven Craig and Julie Craig Individually and as Husband and Wife and a/n/f of Michael Craig vs. Torrance County, Torrance County Sheriff's Department, Don Lyles Individually and in his official capacity as Sheriff of Torrance County, Allen Gallegos Individually and in his official capacity as Torrance County Sheriff's Deputy, Israel Barrera Individually and in his official capacity as a Torrance County Sheriff's Deputy, Susan Encinias Individually and in her official capacity as a Torrance County Sheriff's Deputy, City of Moriarty, a municipal corporation, and the City of Moriarty Police Department, Adan Encinias Individually and in his official capacity as Mayor of the City of Moriarty, James Klein, Individually and in his official capacity as chief of the Moriarty Police Department, Robert Bobby Garcia, Individually and in his official capacity as a member of the City of Moriarty Police Department and Jonathan King, Individually and in his official capacity as a member of the City of Moriarty Police Department

Attorneys P - Jason Alarid of Michael Alarid, Jr. & Associates, Albuquerque

D - H. Nicole Schamban & Henry F. Narvaez of Narvaez Law Firm, P.A., Albuquerque
 (Torrance County, Sheriff's Department, Lyles, Barrera, Gallegos & Susan Encinias)

D - Jeffrey L. Baker of Baker Law Firm, Albuquerque (City of Moriarty, Moriarty Police Department, Mayor Encinias, Klein, Garcia, and King)

A22 *Wall Street Journal 3-12-01**Review & Outlook***The Voter Fraud Iceberg**

One of the great ironies of all the high-mindedness that surrounded the Presidential vote recounting in Florida last year is that the groundswell for accuracy must have had politicos quaking in their boots from San Francisco to Philadelphia. Honest vote counting? Egad! The fact is that if one was able to insist on the kind of honest balloting that we demand of, say El Salvador, some of America's biggest cities would look like electoral sinkholes. Increasingly, though, voter fraud is finding its way onto local agendas.

The U.S. Justice Department and local officials in St. Louis have just shown what a coordinated effort can do to clean up election irregularities. The voting last November in St. Louis was a mess and included charges of voter fraud. That is changing.

A grand jury there is investigating 3,800 suspect voter registration cards, including some for dead local officials, that were turned in shortly before the deadline for last week's mayoral race. In that primary vote, election workers were allowed to ask for photo ID from voters, and a local judge ruled that the election board could throw out a list of 54,000 voters it said had moved. Joe Neill, the election board chairman, noted that if he had been forced to use the inactive list, the city would have had 13,000 more registered voters than the U.S. Census lists as the total number of adults over age 18 in St. Louis.

Attorney General John Ashcroft says that sending Justice Department monitors to places like St. Louis, which aren't covered by the Voting Rights Act, can help local officials cope with problems of access and intimidation. He also announced that he will appoint a new senior counsel to make certain "Americans' votes are not diluted by voter fraud."

That's a great idea. This country doesn't just have a voting-machine problem; it's rife with incompetent or nefarious practices that make U.S. election procedures "the shaggiest in the industrialized world," according to noted political scientist Walter Dean

were miscounted—often because poll workers simply didn't add the totals correctly. Philadelphia has just over one million registered voters; that's just about the number of eligible voters the Census estimates live in the city. Something is clearly wrong.

We ought to be able to agree that if any degree of trust is to be maintained in how we vote, then local lists of exactly who may vote ought to be reasonably accurate. Today, however, voter rolls, notably in California, are full of dead, moved or ineligible people—most of whom must remain on the books to satisfy federal mandates. The most famous mandate is the 1994 National Voter Registration Act, or "motor voter law."

It required state social service agencies and motor vehicle departments to hand out voter registration forms to its customers. Pennsylvania Governor Tom Ridge told us that "the single worst vote I cast in Congress was in favor of the Motor Voter law." It's increasingly evident that the law hasn't increased turnout, but instead has made voter rolls more inaccurate.

When you put unreliable voter lists and the hallowed but corrupt tradition of election-day "street money" in the wrong hands, the result is predictable. Last week a state grand jury declared that Philadelphia's habituation to city-judge candidates forking over \$100,000 or more in street money was corrupt, and said it should be replaced with judges chosen by merit appointment. Four officials were indicted for violating election laws. "Money just disappeared," says state Attorney General Mike Fisher.

Former Philadelphia Mayor Ed Rendell admitted to us that unions often handpick judicial candidates, and then make sure there's enough street money spread around to get them elected in the expectation that the judges will blink at union misconduct, such as the infamous 1998 beating of anti-Clinton protesters Don and Teri Adams by Teamster thugs.

We don't mean to single out Philadelphia, which at least appears to be trying to clean up its act. And Attorney General Ashcroft's apparent intention to clean up election procedures all over the country should be commended. But a lot more work needs to be done to ensure an accurate and fraud-free voter count in places where clean elections are simply no longer part of local traditions. We trust that the Justice Department's new counsel on election reform will strive to look beyond Florida, and we trust that the complainants about the Florida count will be right alongside, cleaning up balloting across America.

Philadelphia is another example. Eight years ago, a federal judge had to overturn the results of a special state Senate election due to absentee ballot fraud. At that time, the Reno Justice Department refused to investigate and local officials let the issue slide.

Now Philadelphia is the focus of a joint legislative committee tasked with improving the accuracy of elections. A Philadelphia Inquirer review of results from last year's election in 200 precincts found that more than 3,000 votes

3-2-01

Blind to Voter Fraud *Wall Street Journal*

In the aftermath of the photo-finish Presidential election, some 20 states are debating upgrades of their voting machines. Such improvements are welcome, but sloppy election systems don't just prevent people from voting, they also can register votes that shouldn't have been cast. The true test of election reformers is if they back changes that reduce both problems. So far the results in the states have been mixed.

Voter fraud continues to be an underreported story. "It's a silent scandal, and the problem is getting worse with increases in absentee voting, which is the easiest way to commit fraud," says Larry Sabato of the University of Virginia. A Miami Herald review of a third of Florida's counties found that more than 1,200 votes were cast illegally by felons. In addition, in Duval County alone, 499 votes were cast by unregistered voters. In two precincts the number of ballots cast was greater than the number of people who voted. Cora Thigpen, aged 90, admitted to voting twice and was proud of it. "If I had voted a half-dozen times, I would have voted every time for Al Gore," she said.

One way to cut down on such fraud is to require people who appear at the polls to show a photo ID or voter registration card. In Florida, the law required that voters without a photo ID be allowed to vote. Photo ID is required when flying from an airport, buying cigarettes or even opening an account at a video rental store. But in almost half the states anyone can claim to be someone they are not with little fear of detection.

For years, the Reno Justice Depart-

ment actively discouraged states from adopting photo ID laws on the flimsy belief that they would be discriminatory. Now the obstacles being put up are blatantly political. Last month in New Mexico a photo ID bill was killed by a party-line House committee vote without even a debate. Democratic Rep. Max Coll called it an effort "to suppress the vote of poorly educated people who don't understand exactly what they need to bring as ID or anything like that." Democratic legislators are also blocking photo ID bills in Minnesota and Wisconsin.

But states like Georgia and Louisiana have all passed photo ID laws in recent years with no evidence of discrimination. Last month, the Alabama House approved a voter ID bill by 78 to 17. A majority of Democrats voted in favor after the list of allowable IDs was expanded to include passports, birth certificates and fishing licenses.

Elections can also be made more accurate by alerting voters to their responsibility to cast their ballots properly. In January, a local election in infamous Palm Beach County, Florida, saw almost no "undervotes" or "overvotes" because alert voters were careful to remove chads from their ballots. Adult literacy programs could also help first-time voters whose failure to comprehend a ballot may lead them to spoil it.

The confusion during the last election made all Americans understand not only that every vote can make a difference, but also how important honest and fair elections are. As the debate about improving election procedures continues, it's important not to let partisan considerations block genuine reforms such as photo ID from being enacted.

READ

Subj: **more**
 Date: 5/21/2001 9:23:50 PM Mountain Daylight Time
 From: laurance@zianet.com (Mike Laurance)
 To: Gopmarta@aol.com

Here's a copy of the letter Shelley sent to the County Clerk today.

Mike

May 21, 2001

Mr. Ruben Ceballos

Dona Ana County Clerk

Las Cruces, NM

Dear Mr. Ceballos:

The recent Audit of the Nov 7, 2000 election has brought to light several questions. Would you please provide an explanation for the following:

1. There were over 800 more absentee ballots canvassed than there were signatures on ballot return envelopes. Please explain.
2. The following voters received new voter cards indicating a change in Precinct and location of voting place. Please explain why these people had a change in Precinct when their residence had not changed. Also, why was this done between the Primary Election in June 2000 and the General Election in November 2000? It is my understanding that Precinct changes are to be done by resolution of the county commission and notice is to be published in the paper. Would you please provide a copy of this documentation.

Bonnie Gillis was changed from Pct 2 to Pct 60.

Donald Gillis was changed from Pct 2 to Pct 60.

Duane Gillis was changed from Pct 2 to Pct 60.

Cheryl Gillis was changed from Pct 2 to Pct 60.

3. The following voters appear on the list of voters provided by the County Clerk's office as having voted in the Primary Election in June, 2000. However obituaries and/or the Social Security Death Index records indicate that these people died before the 2000 Primary as per dates noted: Please explain.

Primary Election 2000:

Joseph C. Castillo DOB 1934 DOD 5 July 1997
 Betty L. Crawford DOB 1932 DOD 5 Jan 1996
 Paul A. Crawford DOB 1931 DOD 20 Jan 2000.
 George W. Martin DOB 1908 DOD 3 Jan 1996
 Charley M(Mary) Pamell DOB 1902 DOD 1 Dec 1994

As my first letter requesting an explanation regarding the absentee vote discrepancy was sent early in May and to this date, I have received no reply, I am sending this letter by Certified Mail so as to verify your receipt of same. I would appreciate a prompt response to this inquiry.

Concerned Citizen Audit

of the

November 7, 2000 General Election

Doña Ana County

March 15, 2001

By

**C.A.F.E Crowd Volunteers
(Citizens Asking for Fair Elections)**

**Group Leader,
Shelley Hayner, BBA, MS**

Why an audit?

Elections have gone on for over two hundred years in America. The past November 7th's 2000 General Election brought to the surface questions from candidates, election staff and voters in most every state. For the first time the concept of the undervote has become an issue. In Florida they thought a 1% undervote in the presidential race was large. Here in Dona Ana County, the presidential undervote was over 5%! Other races had an undervote of well over 10%. The closeness of the election, particularly in Florida, has made us aware of the importance of the issue---every vote must count and all must be counted correctly.

Questions like, "Was my vote counted?" "Is our system one that produces honest, accurate results?" "Can we be confident in those results?" are pondered nationwide.

Questions such as these precipitated the C.A.F.E. Crowd's wish to evaluate the results and the electoral process in Dona Ana County. Members were not aware of any such audit ever having being conducted in Dona Ana County. They felt the time was right!

The task: To verify the validity of these canvassed results of the November 7, 2000 General Election:

Poll Vote: 35,339
Early Vote: 7,418
Absentee Vote: 6,456

The methodology: Examination and counts of documentation generated in connection with the November 7, 2000 General Election in Dona Ana County.

The following pages detail the audit process and its results.

I. Election Documentation Review

A. Sources of data

1. Signature Rosters of the 94 Precincts were examined. The following three items were counted:

- a. Signatures of poll voters.
- b. Absentee voters identified by "Absentee".
- c. Early voters identified by "Early".

2. Early Voter Documentation

- a. Signature Cards were sorted by precinct.
- b. Signature Cards were hand counted by precinct.
- c. Early Voter Register. Ballots cast were counted by precinct.

3. Absentee Voter Documentation

- a. Applications for absentee ballots were counted.
- b. Outer ballot return envelopes with voter's signature were counted.
 1. Envelopes with postage
 2. Envelopes without postage
- c. Inner ballot return envelopes were counted.
- d. Absent Voter Register Examination:
 1. Ballots received were tallied by precinct.
 2. Ballots not returned were tallied by precinct.

4. County Canvass compiled by County Clerk and examined by the Canvassing Board comprised of the County Commission and designated observers.

B. Method of Audit ***1. Poll Vote Audit:**

Number of signatures on the Signature Rosters was compared to the Canvass results. Variances noted. See Exhibit A.

2. Early Vote Audit:

a. Number of Early vote signature card precinct totals were compared to Signature Roster "Early" Vote Precinct totals. Variances noted. See Exhibit B.

b. Total number of Early voter signature cards and the number of "Early" voters on the Signature Rosters were compared to Canvass results. Variance noted. See Exhibit B.

3. Absentee Vote Audit:

a. Number of Absentee voters on signature roster was compared to the Canvass Absentee vote total. Variance noted. See Exhibit C.

b. Number of Absentee applications was compared to Canvass total of ballots cast. See Exhibit D1.

c. Total of Outer ballot return envelopes with voter's signature was compared to Canvass total of ballots cast by District. Variances noted. See Exhibit D1.

d. Total of Inner ballot return envelopes was compared to Canvass total of ballots cast by District. Variances noted. See Exhibit D1.

e. Absent Voter Register Examination**

1. Ballots returned were totaled by precinct. Precinct results were totaled by District and compared to Canvass Results. Variances noted. See Exhibit D2.

2. Ballots not returned were tallied by precinct. See Exhibit C.

* All documentation was counted more than once.

** Certified report dated November 6, 2000 provided by Clerk's office to the Republican Party.

II. Data Collected — *Findings*.**A. Poll Vote Data: Signature Roster**

Canvass Total.....	35339
CAFÉ Handcount Total.....	35176

Among 44 precincts, there was a total of 226 more ballots canvassed than the number of signatures in their rosters. Among another 16 precincts there was a total of 39 fewer ballots canvassed than there were signatures on the rosters. Thus, 64% of precincts had vote totals that did not match signature totals. Exhibit A.

B. Early Voting Data**1. Signature Roster “Early” Totals**

Canvass “Early” Total.....	7418
CAFÉ Handcount “Early” Total....	7306

There were 112 more ballots canvassed than “Early” voters indicated on signature rosters. EXHIBIT B

2. Early Signature Card Totals

Canvass “Early” Total.....	7418
CAFÉ Handcount Total.....	7344

There were 74 more ballots canvassed than “Early” voters indicated on signature rosters. EXHIBIT B

C. Absentee Voting Data**1. Signature Roster “Absentee” Total**

Absentee Canvass.....	6456
CAFÉ Handcount “Absentees”	6520

There were 64 fewer ballots canvassed than were indicated as “Absentee” on signature rosters. Exhibit C

2. County Absentee Register

Absentee Canvass.....	6456
Absentee Register.....	5603

There were 859 more ballots canvassed than were indicated as returned on the Absentee Register. Exhibit C

3. Outer Envelope Count

Absentee Canvass.....	6456
Absentee Outer Envelopes	5509.

There were 947 more ballots canvassed than there were outer ballot return envelopes. Exhibit D1.

4. Inner Envelope Count

Absentee Canvass.....	6456
Absentee Inner Envelopes.....	6022

There were 434 more ballots canvassed than there were inner envelopes counted. Exhibit D1.

5. Absentee Ballot Application Count

Absentee Canvass.....	6456
Absentee Ballot Applications.....	6498

*There were 42 more applications received than ballots canvassed. Exhibit D1
(Figures requested regarding rejected applications and ballots were never received
(Exhibit E). We were told rejected ballots had been sent to the Secretary of State.)*

6. Delivery method questioned

5509 Outer ballot return envelopes were counted.
2691 Outer ballot return envelopes without postage were counted.
1213 "In-person" vote return envelopes would not have required postage.

This leaves a balance of 1478 envelopes whose delivery method was not apparent.

III. Electronic Voting Machine Findings

A. Machine research results (87% of votes were cast on AVC Advantage machines)

1. Reliability issue:
"In what appears to be the final updated evacuation of SRI (June 19, 1991) of the Sequoia Pacific EVA (Electronic Voting Machine) and its Programmable Memory Device (PMD) which contains the vote tally, under the heading of **Reliability**, the testing status report from Sequoia Pacific stated, "Sequoia Pacific doesn't know how to show that EVM/PMD meets requirement--this depends on *Poll Worker's competence*."
2. One of the reasons given for the Election Coordinator, Cecelia Madrid's termination was her failure to adequately train poll workers. Exhibit F.

B. Poll worker survey results

Twenty-five poll workers were surveyed regarding machine training, specifically relating to how to successfully accomplish "crossover" votes or even if it was possible at all. Most everyone indicated they knew nothing about it. Several indicated that their Poll Worker Schools had included very little machine training. In fact, many didn't recall any machine demonstration. Others stated that there had been a machine at the training, but it had not been opened.

C. C.A.F.E. Crowd - Sequoia Pacific contact

During a phone conversation with the machine manufacturer, two C.A.F.E. Crowd members were told that straight ticket votes where a button was pushed to turn out the light of one of that party's candidates to cross over to vote for someone in another party, would result in a cancellation, or "throw out" of a vote for either candidate.

D. Undervote issue

Given information provided by Sequoia Pacific and personnel in the Clerk's office, inability to handle the crossover vote may well be what is responsible for the high undervote rates. Conflicting information has been received regarding machine function. Further investigation is recommended.

E. Candidate Recount issue

- a. Judge Valentine rejected candidate efforts to have access to voting machine programming stating that programming was Proprietary to Sequoia Pacific. This is questioned because personnel under the county's employ do some of the programming. Inquiry continues on this topic.
- b. County Clerk was not forthcoming with machine capabilities for recount. This capability was discovered by candidates upon a Letter to the Editor from Sequoia Pacific published in the Las Cruces Sun News.

IV. Conclusions

A. Audit results failed to find that documentation supported Canvass results.**1. Poll Vote**

Poll Vote Canvass 35,339

Note: The following total should have matched the above Canvass
Signature Roster Handcount 35,176

2. Early Vote

Early Vote Canvass 7,418

Note: Each of the following totals should have matched the above Canvass
Signature Roster Handcount 7,306
Signature Card Handcount 7,349

3. Absentee Vote

Absentee Canvass 6,456

Note: Each of the following totals should have matched the above Canvass
Envelope Counts
Outer Envelopes 5,509
Inner Envelopes 6,022
Signature Roster 6,520
Application Cards 6,498
Register Handcount 5,603

B. Poll worker survey found the machine operation training to be insufficient to assure machine reliability. Therefore, voting machine Reliability is insufficient to support the Canvass results.

End

? Questions ?
Shelley Hayner
(505) 267-1790
e-mail: shayner@zianet.com

EXHIBIT A						
Dona Ana County Signature Roster 11/7/2000						
Pct#	Name	County Canvass	CAFE Crowd Handcount	Notes	More Votes	Less Votes
01A	Garfield-Salem	216	216			
01B	Rincon	104	104			
002	Hatch East	206	206			
003	Rodey	83	84		-1	
004	Dona Ana West	445	446		-1	
005	Moongate	550	554		-4	
006	Organ South	231	230	1 non R aff	1	
07A	Pecan Valley North	347	348	1 aff 1 fled		-1
07B	Pecan Valley South	324	324	1 fled 2 certs		
008	Mesquite South	333	333		1	
009	Berino	132	131		1	
010	Berino South	205	205			
011	Anthony North	260	260			
012	Anthony West	337	337	1 no sig	1	
013A	Sunland Park West	851	830	5em2fled1aff	21	
013B	Sunland Park East	562	566		-4	
014	Santa Teresa	614	615		-1	
015	La Union	419	418	1sig81	1	
016	Chamberino	261	261	1fled		
017	La Mesa	415	414		1	
018A	Mesilla	465	464	1nosig1affnr		
018B	Mesilla South	266	266	2fled		
019	Fairacres	483	494		-11	
20A	Elks Club North	349	351	1fled		-1
20B	Elks Club West	404	404	3macherr		-3
21A	Picacho Hills	485	485			
21B	Old Picacho	351	351	1f1macherr		-1
022	San Andres	201	201	1fled		
023	Mayfield	306	306	1cast2v	1	
024	Highland	339	339			
025	Holy Cross	247	247	1fled	1	
026	Country Club	541	541			
027	Loma Heights West	357	357	1nosig	1	
028	Washington East	325	324		1	
029	Washington West	156	156			
030	Alameda	268	265	1nosig1twice	3	
031	North Alameda	321	326	1voted2tim		-4
032	Lucero	84	84			
033	Encantada	280	280	1twice	1	
034	Sierra	509	509			
035	City	199	197		2	
036	Hermosa Hts West	167	167			
037	Court	290	290			
038	MacArthur	345	345	1fled		
039	City Center	296	295		1	
040	Valley	591	591			
041	Bradley West	164	160	3fled	7	
042	Bradley East	185	185			
043	Old Armory	222	222			
044	Lynn West	226	224	1fled	3	
045	Lynn South	265	257	2fled	10	
046	Conlee North	263	264		-1	
047	Bellamah	330	290	1nosig	39	
048	Valley View	314	314			
049	Las Cruces	265	265	1 fled	1	
050	University Hills Wst	171	171			

EXHIBIT A						
Dona Ana County Signature Roster 11/7/2000						
Pct#	Name	County Canvass	CAFE Crowd Handcount	Notes	More Votes	Less Votes
051	University Hills Est	369	368		1	
052	Conlee South	443	443	1 fled	1	
053	University Baptist	340	330	1 fled	11	
054	University Campus	288	290		-2	
055	Mesilla Park	293	293	1 fled	1	
056	Mesilla Park North	536	535	1 fled		
57A	Mesilla Park South	346	334		12	
57B	Tombaugh	359	354		5	
058	University Park	458	456	3 fled	5	
059	Jornada East	482	482	1 fled 1 given		
060	Hatch West	68	68			
061	Jornada West	390	383	2 fled	9	
062	Dona Ana East 1-2	691	672		19	
063	Hill	497	497			
064	Organ North	142	142	2 fled	2	
065	North Hwy 70	512	510		2	
066	Butterfield Park	539	540		-1	
67A	High Range West	482	466		16	
67B	High Range East	531	531			
068	Ridgecrest	278	278	1 fled	1	
069	Majestic Ridge	331	331	1 fled	1	
070	Telshor	220	220			
071	Candlelight	370	354		16	
072	University Terrace	182	182		0	
73A	Buena Vida	502	502	1 fled		
73B	Foothills	590	589		1	
074	Chaparral West	221	221		2	
075	Chaparral North	372	371	1 fled	2	
076	Chaparral South	199	187		12	
77A	Mission Bell	428	428			
77B	Las Alturas	580	579	1 clerk cert		
078	Tortugas	664	664			
079	Mesquite North	268	268			
080	Mesquite South	259	259	1 fled		
081	Westside	63	63	1 sig in 81		
082	San Miguel	316	316			
083	Elks Club East	460	455	1 clerk cert	5	
084	Carlton	331	330		1	
085	Vista	349	349			
086	San Ysidro	691	691			
087	Shalem Colony	499	499	1 sig in 81	1	
088	Southwind	119	122		-3	
089	Elks Club South	360	360			
090	Camelot Gardens	256	256			
091	Loma Heights East	339	338	1 fled	2	
092	Hadley	103	103			
093	Hermosa Hts East	102	102			
094	Lynn North	196	196			
	Totals	35339	35176		226	(39)

EXHIBIT B					
Early Voting Audit General Election 11/7/2000					
PRECINCT	Roster	Card	Canvass	Discrepancy	
#	Name	Handcount	Handcount		
01A	Garfield-Salem	31	32	(1)	
01B	Rincon	17	17	0	
002	Hatch East	53	53	0	
003	Rodey	27	29	(2)	
004	Dona Ana West	37	40	(3)	
005	Moongate	108	107	1	
006	Organ South	25	26	(1)	
07A	Pecan Valley North	77	79	(2)	
07B	Pecan Valley South	60	61	(1)	
008	Mesquite South	22	24	(2)	
009	Berino	19	23	(4)	
010	Berino South	61	65	(4)	
011	Anthony North	61	61	0	
012	Anthony West	157	160	(3)	
013A	Sunland Park West	7	8	(1)	
013B	Sunland Park East	32	30	2	
014	Santa Teresa	86	83	3	
015	La Union	71	72	(1)	
016	Chamberino	44	44	0	
017	La Mesa	55	58	(3)	
018A	Mesilla	64	63	1	
018B	Mesilla South	80	80	0	
019	Fairacres	106	106	0	
20A	Elks Club North	44	44	0	
20B	Elks Club West	144	144	0	
21A	Picacho Hills	117	114	3	
21B	Old Picacho	89	89	0	
022	San Andres	50	50	0	
023	Mayfield	56	54	2	
024	Highland	77	78	(1)	
025	Holy Cross	67	66	1	
026	Country Club	159	159	0	
027	Loma Heights West	53	53	0	
028	Washington East	64	64	0	
029	Washington West	19	20	(1)	
030	Alameda	59	59	0	
031	North Alameda	38	48	(10)	
032	Lucero	11	11	0	
033	Encantada	106	111	(5)	
034	Sierra	80	77	3	
035	City	33	33	0	
036	Hermosa Hts West	23	23	0	
037	Court	59	62	(3)	
038	MacArthur	52	52	0	
039	City Center	74	73	1	
040	Valley	213	215	(2)	
041	Bradley West	15	17	(2)	
042	Bradley East	20	20	0	
043	Old Armory	32	32	0	
044	Lynn West	33	38	(5)	
045	Lynn South	58	60	(2)	
046	Conlee North	31	26	5	
047	Bellamah	56	60	(4)	
048	Valley View	45	43	2	
049	Las Cruces	34	32	2	
050	University Hills Wst	27	27	0	

EXHIBIT B					
Early Voting Audit General Election 11/7/2000					
PRECINCT #	Name	Roster Handcount	Card Handcount	Canvass	Discrepancy
051	University Hills Est	44	45		(1)
052	Conlee South	68	70		(2)
053	University Baptist	35	34		1
054	University Campus	10	10		0
055	Mesilla Park	70	69		1
056	Mesilla Park North	137	140		(3)
57A	Mesilla Park South	78	87		(9)
58B	Tombough	59	62		(3)
058	University Park	11	11		0
059	Jornada East	233	226		7
060	Hatch West	19	19		0
061	Jornado West	183	187		(4)
062	Dona Ana East 1-2	263	267		(4)
063	Hill	117	115		2
064	Organ North	30	30		0
065	North Hwy 70	57	56		1
066	Butterfield Park	95	100		(5)
67A	High Range West	126	119		7
67B	High Range East	226	223		3
068	Ridgecrest	50	58		(8)
069	Majestic Ridge	73	72		1
070	Telshor	41	41		0
071	Candlelight	98	97		1
072	University Terrace	54	55		(1)
73A	Buena Vida	128	131		(3)
73B	Foothills	219	211		8
074	Chaparral West	21	20		1
075	Chaparral North	23	21		2
076	Chaparral South	17	18		(1)
77A	Mission Bell	138	150		(12)
77B	Las Alturas	165	162		3
078	Tortugas	100	88		12
079	Mesquite North	31	31		0
080	Mesquite South	66	67		(1)
081	Westside	31	31		0
082	San Miguel	24	24		0
083	Elks Club East	125	123		2
084	Carlton	64	62		2
085	Vista	68	66		2
086	San Ysidro	151	148		3
087	Shalem Colony	105	107		(2)
088	Southwind	21	20		1
089	Elks Club South	138	138		0
090	Camelot Gardens	48	48		0
091	Loma Heights East	72	72		0
092	Hadley	20	20		0
093	Hermosa Hts East	4	6		(2)
094	Lynn North	12	12		0
	Total	7306	7344	7418	
	Canvass Total	7418	7418		
	Discrepancy	-112	-74		

EXHIBIT C					
Absentee Reconciliation					
Precinct		Ballots Sent Per Roster	Ballots Returned Per Register	Expected Non Returns	Actual Non Returns
#	Name				
01A	Garfield Salem	26	18	8	8 0
01B	Rincon	7	6	1	1 0
002	Hatch East	17	11	6	6 0
003	Rodey	8	5	3	4 1
004	Dona Ana West	63	53	10	14 4
005	Moongate	73	67	6	9 3
006	Organ South	24	20	4	4 0
07A	Pecan Valley No	61	56	5	4 -1
07B	Pecan Valley So	46	37	9	7 -2
008	Mesquite South	22	18	4	5 1
009	Berino	8	5	3	3 0
010	Berino South	17	13	4	4 0
011	Anthony No	14	12	2	2 0
012	Anthony West	71	45	26	23 -3
013A	Sunland Pk Wst	68	35	33	48 15
013B	Sunland Pk Est	93	57	36	35 -1
014	Santa Teresa	91	83	8	6 -2
015	La Union	55	44	11	12 1
016	Chamberino	27	21	6	7 1
017	La Mesa	44	40	4	3 -1
018A	Mesilla	94	92	2	6 4
018B	Mesilla So.	65	51	14	12 -2
019	Fairacres	100	84	16	16 0
020A	Elks Club No	66	57	9	14 5
020B	Elks Club Wst	137	117	20	21 1
021A	Picacho Hills	128	118	10	12 2
021B	Old Picacho	53	47	6	4 -2
022	San Andres	52	42	10	13 3
023	Mayfield	71	58	13	13 0
024	Highland	82	75	7	13 6
025	Holy Cross	69	56	13	12 -1
026	Country Club	168	150	18	25 7
027	Loma Hts West	57	45	12	16 4
028	Washington Est	102	75	27	24 -3
029	Washington Wst	25	21	4	3 -1
030	Alameda	57	48	9	9 0
031	No. Alameda	63	67	4	6 10
032	Lucero	18	15	3	3 0
033	Encantada Pk	146	131	15	14 -1
034	Sierra	105	97	8	19 11
035	City	38	32	6	7 1
036	Hermosa Hts W	24	15	9	7 -2
037	Court	49	41	8	8 0
038	McArthur	54	51	3	4 1
039	City Center	60	49	11	11 0
040	Valley	144	142	2	5 3
041	Bradley West	42	37	5	7 2
042	Bradley East	43	37	6	7 1
043	Old Armory	57	49	8	8 0
044	Lynn West	68	57	11	8 -3
045	Lynn South	62	58	4	6 2
046	Conlee No	49	40	9	10 1
047	Bellamah	61	54	7	14 7
048	Valley View	80	71	9	10 1
049	Las Cruces	55	44	11	10 -1

EXHIBIT C						
Absentee Reconciliation						
Precinct		Ballots Sent Per Roster	Ballots Returned Per Register	Expected Non Returns	Actual Non Returns	Discrepancy Ballots Extra/(Short)
#	Name					
050	University Hts W	35	32	3	4	1
051	University Hts E	40	37	3	3	0
052	Conlee South	82	69	13	13	0
053	Univ Baptist	27	25	2	3	1
054	Univ Campus	17	9	8	8	0
055	Mesilla Park	60	54	6	7	1
056	Mesilla Pk No	96	87	9	11	2
57A	Mesilla Pk So	67	51	16	6	-10
57B	Tombough	63	48	15	15	0
058	Univ Park	18	8	10	10	0
059	Jornada East	101	87	14	14	0
060	Hatch West	4	2	2	2	0
061	Jornado West	116	103	13	13	0
062	Dona Ana East	146	128	18	20	2
063	Hill	139	124	15	18	3
064	Organ No	11	10	1	2	1
065	No Hwy 70	38	34	4	6	2
066	Butterfield Park	76	64	12	12	0
067A	High Range W	128	116	12	15	3
067B	High Range E	151	129	22	22	0
068	Ridgecrest	48	37	11	6	-5
069	Majestic Ridge	80	72	8	9	1
070	Telshor	54	43	11	12	1
071	Candlelight	78	72	6	8	2
072	Univ Terrace	54	40	14	14	0
73A	Buena Vida	126	121	5	10	5
73B	Foothills	104	86	18	16	-2
074	Chaparral West	23	21	2	3	1
075	Chaparral No	42	35	7	7	0
076	Chaparral So	16	15	1	4	3
77A	Mission Bell	90	82	8	8	0
77B	Las Alturas	137	131	6	6	0
078	Tortugas	88	80	8	14	6
079	Mesquite No	27	25	2	2	0
080	Anthony So	11	9	2	2	0
081	Westside	9	8	1	1	0
082	San Miguel	15	14	1	1	0
083	Elks Cl East	88	74	14	14	0
084	Carlton	81	72	9	11	2
085	Vista	67	59	8	11	3
086	San Ysidro	116	106	10	10	0
087	Shalem Colony	102	86	16	16	0
088	Southwind	25	19	6	6	0
089	Elks Cl So	79	69	10	12	2
090	Camelot Gardens	47	42	5	6	1
091	Loma Hts East	56	49	7	8	1
092	Hadley	22	15	7	7	0
093	Hermosa Hts E	10	9	1	1	0
094	Lynn	31	26	5	6	1
	Totals	6520	5603	917	1017	100

NOTE: Absentee canvass was 6,456

EXHIBIT D1			
Absentee Vote Audit	November 7, 2000 General Election		
	C.A.F.E.	County	Variance
	Count	Canvass	
a. Signature Roster Total "Absentee" Voters	6520	-	6456 64 Fewer ballots canvassed than on signature roster
b. Absentee Application Cards	6498	-	6456 42 More applications than ballots canvassed
c. Outer Ballot Envelopes			
District 32	280	-	307 27 More ballots canvassed than outer envelopes
District 33	918	-	983 65 More ballots canvassed than outer envelopes
District 34	525	-	583 58 More ballots canvassed than outer envelopes
District 35	890	-	1010 120 More ballots canvassed than outer envelopes
District 36	1261	-	1246 15 Fewer ballots canvassed than outer envelopes
District 37	1512	-	1614 102 More ballots canvassed than outer envelopes
District 52	510	-	713 203 More ballots canvassed than outer envelopes
County Total	5509	-	6456 947 More ballots canvassed than outer envelopes
d. Inner Ballot Envelopes			
District 32	300	-	307 7 More ballots canvassed than inner envelopes
District 33	894	-	983 89 More ballots canvassed than inner envelopes
District 34	523	-	583 60 More ballots canvassed than inner envelopes
District 35	990	-	1010 20 More ballots canvassed than inner envelopes
District 36	1216	-	1246 30 More ballots canvassed than inner envelopes
District 37	1446	-	1614 168 More ballots canvassed than inner envelopes
District 52	653	-	713 60 More ballots canvassed than inner envelopes
County Total	6022	-	6456 434 More ballots canvassed than inner envelopes
File: absenv			

Utona Ana County Absentee Audit

File: FABSAUD

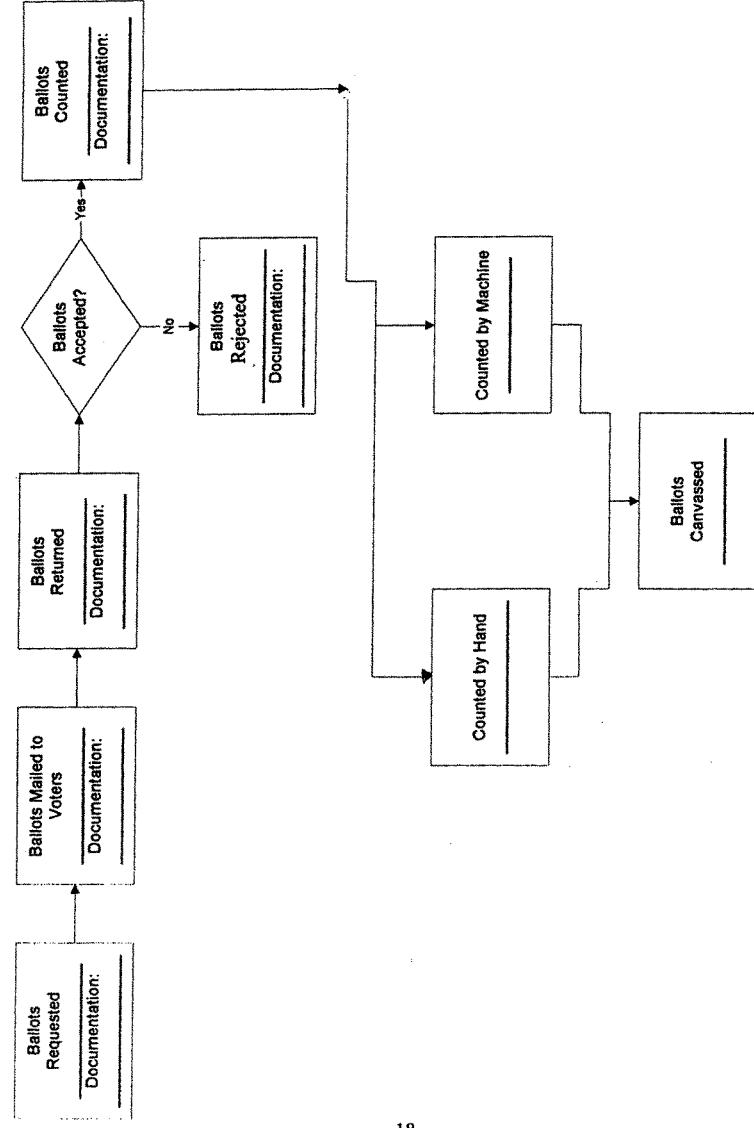
REPRESENTATIVE DISTRICTS

Pct #	Pct Name	ABS Count	Rep 32	Rep 33	Rep 34	Rep 35	Rep 36	Rep 37	Rep 38	Rep 52
01A	Garfield Salem	18							18	
01B	Rincon	6							6	
002	Hatch East	11							11	
003	Rodey	5	5							
004	Dona Ana West	53						53		
005	Moongate	67								67
006	Organ South	20								20
07A	Pecan Valley No	56				56				
07B	Pecan Valley So	37			37					
008	Mesquite South	18				18				
009	Berino	5				5				
010	Berino South	13				13				
011	Anthony No	12								12
012	Anthony West	45				45				
013	Sunland Pk Wst	35				35				
013	Sunland Pk Est	57				57				
014	Santa Teresa	83				83				
015	La Union	44				44				
016	Chamberino	21	21							
017	La Mesa	40		40						
018	Mesilla	92		92						
018	Mesilla So.	51		51						
019	Fairacres	84		84						
020	Elks Club No	57							57	
020	Elks Club Wst	117							117	
021	Picacho Hills	118	118							
021	Old Picacho	47	47							
022	San Andres	42							42	
023	Mayfield	58							58	
024	Highland	75								
025	Holy Cross	56							75	
026	Country Club	150							56	
027	Loma Hs West	45							150	
028	Washington Est	75							75	

EXHIBIT D2

030	Alameda	48	21	48
031	No. Alameda	67		67
032	Lucero	15	15	
033	Encantada Pk	131	131	
034	Sierra	97	97	
035	City	32	32	
036	Hermosa Hts W	15	15	
037	Court	41	41	
038	McArthur	51	51	
039	City Center	49	49	
040	Valley	142	142	
041	Bradley West	37	37	
042	Bradley East	37	37	
043	Old Armon	49	49	
044	Lynn West	57	57	
045	Lynn South	58		58
046	Conlee No	40	40	
047	Bellarmain	54	54	
048	Valley View	71	71	
049	Las Cruces	44	44	
050	University Hts W	32	32	
051	University Hts E	37	37	
052	Conlee South	69		69
053	Univ Baptist	25		25
054	Univ Campus	9	9	
055	Mesilla Park	54	54	
056	Mesilla Pk No	87	87	
57A	Mesilla Pk So	51	51	
57B	Tombaugh	48	48	
058	Univ Park	8		8
059	Jornada East	87		87
060	Hatch West	2	2	
061	Jornado West	103		103
062	Dona Ana East	128		128
063	Hill	124		
064	Organ No	10		10
065	No Hwy 70	34		34

MAIL-IN BALLOT PROCESS FLOWCHART



95

EXHIBIT E

1. *How did you register to vote?*

29% by a voter registration volunteer or at a voter registration drive
 26% by mailing in the form
 15% inside the County Clerk's office
 12% some other way
 11% in another government building such as a library, post office, or MVD
 6% don't know/can't recall

Key points:

Only 4% of Bernalillo registrants registered to vote inside the County Clerk's office.
 Thirty-six percent (36%) were registered at a drive or by a volunteer, and another 32% registered by mail.

2. *Only a small fraction of new registrants were given any instructions at all about whether they had to provide identification or not when they vote.*

Only 15% of newly registered voters were given instructions about whether or not they would have to show identification. Fully 42% were not given any instructions at all and another 42% cannot remember if they were given instructions.

Key points:

The lack of specific information about whether or not new registrants have to show ID extends across ethnic and party registration lines.

Ethnicity	Yes/Given Instructions	No, Not Given Instructions	Do Not Remember
White	17%	37%	46%
Hispanic	12%	41%	46%
Native American	21%	79%	

Party	Yes/Given Instructions	No, Not Given Instructions	Do Not Remember
Republican	23%	51%	27%
DTS/Ind	9%	19%	72%
Democrat	15%	51%	34%

3. Having to show some form of identification will not disenfranchise voters.

Asked to produce one of the following forms of identification, 99% of new registrants say they would be able to show one, while less than 1% said they could not.

- ▶ Current and valid photo identification
- ▶ A utility bill
- ▶ A bank statement
- ▶ A government check
- ▶ A paycheck
- ▶ Any government document that shows name and address

Key points:

- Across party registration, 99% of Republicans, 100% of declined to state or Independents, and 98% of Democrats say they would be able to provide one of these forms of identification.
- Fully 99% of younger voters between the ages of 18-24 would be able to show one of these forms of identification.
- Across ethnicity, 100% of white voters, 99% of Hispanics, and 100% of Native Americans would be able to show identification.

4. Overwhelmingly, new registrants say it is no problem at all to show identification when they vote.

Asked about showing identification when they vote, 85% of newly registered voters say "showing identification is no problem for you at all," and another 15% say it is a "minor inconvenience but would not stop you from voting." Less than one percent (.005) believe that having to show identification "would be too difficult and would stop them from voting.

Key points:

- The less than one percent respondent who says it would be too difficult to show identification is a white Republican.
- White voters are actually more likely to say that showing identification is an inconvenience than Hispanics. Native Americans view it as an inconvenience, but it would not stop any Native American from voting.

Ethnicity	No Problem	Inconvenience	Too Difficult	Don't Know
White	84%	14%	1%	
Hispanic	92%	6%	0%	2%
Native American	55%	37%	0%	0%

An ID requirement would not stop any 18-24 year old from voting – 77% say they could produce ID with no problem and 23% say it's just an inconvenience.

5. *Further, nearly three-quarters of voters favor a stat law requiring newly registered voters to show identification when they vote.*

Fully 74% of respondents believe that new registrants should have to show identification, including 53% who strongly favor an ID requirement.

Key points:

Support for showing ID extends across racial lines;

	Favor	Oppose	Don't Know	Refused
White	74%	16%	8%	2%
Hispanic	76%	18%	5%	–
Native Amcn	55%	45%	–	–

6. *And respondents strongly support legislation that would require ALL voters to show ID, not just new registrants.*

Seven out of ten (70%) of new registrants believe that all voters should be required to show ID when they vote, while only 24% oppose the idea (5% don't know). Intensity is also strong in favor of the proposal, with 47% who strongly support the idea.

Key points:

Support for a universal ID requirement is very high among White and Hispanic voters. While Native Americans support new registrants showing ID, their support for a universal ID requirement does drop off.

	<u>Favor</u>	<u>Oppose</u>	<u>Don't Know</u>	<u>Refused</u>
White	74%	20%	6%	—
Hispanic	74%	20%	5%	1%
Native Amer	31%	69%	—	—

7. *Hispanics and Native Americans are most concerned about fraud in New Mexico elections.*

Overall, a near majority (49%) of new registrants believe there have been instances of voter fraud in New Mexico. Only 19% say there have been no such instances, and 32% do not know.

Key points:

- Fifty-five percent (55%) of Hispanics and Native Americans believe there have been instances of fraud in elections, compared to 43% of white voters.
- Democrats (53%) are more inclined to believe there has been fraud in elections than Republicans (36%).

The CHAIRMAN. Next we go to Ms. Perea.

STATEMENT OF VICKIE PEREA, PRESIDENT, ALBUQUERQUE CITY COUNCIL

Ms. PEREA. Thank you, Mr. Chairman. It's an honor for me to come before you today to talk about a relevant and important issue to the state of New Mexico.

My name is Vickie Perea. I'm a lifelong New Mexican, a wife of 43 years, a mother of two, and grandmother of two. I have served as a City Councilor and eventually City Council President in Albuquerque.

Over the last two years, I've had the opportunity to study the history of elections management in New Mexico. And I appreciate your willingness to come to New Mexico to discuss this issue.

At this time, Mr. Chairman, I'd like to walk you through a brief Power Point presentation that details only a small part of the fraud that has existed in New Mexico's election system and how true voter identification could help to stop future fraud.

I'll begin with the most blatant examples of votes being stolen from New Mexico voters in 2004. Rosemary McGee is a Bernalillo County voter who tried to vote on election day in 2004, only to find that someone else had signed the voting roster in her place early in the day and spelling her name wrong. She voted on a provisional ballot, and later learned that her legal vote was not counted. You can see the voting roster on this slide with Rosemary's actual signature on the bottom and the signature of the person who voted in her place on the top. On the next slide, you can see the "No" box checked and circled, indicating that her legal vote was not counted.

UNIDENTIFIED SPEAKER 1. Can you turn out some of the lights up front so we can see it?

Mr. PEARCE. There's a screen behind you as well. You may be able to get a better look at the back.

The CHAIRMAN. Yeah. You can also look behind you.

Ms. PEREA. But Rosemary is not the only one. This also happened to Dwight Adkins, Kim Wistrand, Stephanie Ortiz, Heather Philpot and Frank Sanchez. Six voters who we know about whose votes were taken from them in 2004.

I believe that a true voter identification measure is the foundation of a secure election system, and all of these people would have been able to cast a ballot and have it counted if voters had been required to show a photo voter ID.

But let me now briefly walk you through a past history of voter problems, beginning with the very early example, in 1992, with Elodia Candelaria, a community activist in Albuquerque who was convicted of embezzlement and voter fraud. In 1997, Rio Arriba County's Deputy Clerk, Henrietta Sandoval-Smith, was convicted of voter fraud, saying at the trial, "I've always been guilty." She was part of an extensive voter fraud ring in which 19 people were indicted on voter fraud charges, including city councilors, a school board chairman, a party chairman, a state police captain, a city manager and others. These charges included false swearing, false voting, falsifying voter registration forms and unlawfully opening ballot boxes and so on.

Rio Arriba County Clerk David Chavez and his deputy clerk, Vicky Martinez, were two of those who were found guilty and sentenced to jail time, with testimony indicating that they had illegally opened ballot boxes in the '96 primary and the 1997 special election, one time with bolt cutters from the local jail.

This is not the only county clerk to be convicted of fraud, however. In 2003, Dona Ana County Clerk Ruben Ceballos was convicted of five counts of violating New Mexico Election Code.

In 2000, a district judge claimed that the New Mexico election had been compromised and the ballot box containing 252 ballots went missing in Bernalillo County. A locked ballot box was later found in the back room of a warehouse containing about 250 ballots.

In 2004, during the canvassing of the thousands of provisional ballots in Bernalillo County, the county clerk noted that her workers had seen approximately two dozen instances of double voting, meaning that at least 24 voters had attempted to vote two times in that election.

And also, in 2004, we saw significant problems with the 527 voter registration organizations. In addition to dropping off droves of fraudulent registration forms to county clerks in New Mexico—many were caught before being processed—there were a number of instances where forms were processed and illegal voters were registered or registered voters were re-registered without their knowledge and oftentimes under incorrect Social Security numbers.

For example, a police officer named Glen Stout received a voter registration card for his 13-year-old son and another one for a 15-year-old neighbor, both of whom had been registered to vote by an ACORN employee. Stout worried that these cards would have been sent to another address and someone less honest than he would have been—would have used them to vote on election day under his son's name.

A Tucson, Arizona man received a voter card in his mail. An ACORN employee was found to have registered the man in Albuquerque without his knowledge. And we know that fraudulent registrations have been submitted by ACORN in Denver, and employees who have been fired for fraud in Ohio.

In other instances, police raided an Albuquerque home for a drug search, only to find fraudulent voter registration forms at the house, along with a crack pipe. The individual was being paid \$5 for each registration form that he turned in. There were also reports of deceased individuals being registered to vote.

Ladies and gentlemen, I'm running out of time with you today, but know that true election reform has been called for by good people on both sides of the political aisle and by the editorial boards of newspapers and other publications throughout New Mexico.

And in the municipal election in 2005, Albuquerque voters overwhelmingly supported a photo voter identification provision with approximately 73 percent approval.

I believe strongly that a system in which voters are required to show photo ID to vote will prevent much of the voter fraud that we see in our election system today. It is a measure that can be fairly applied so as not to disenfranchise a single voter, and it would go a long way to increasing ballot security in New Mexico.

And in a system with a photo ID provision, falsely registering voters would be a pointless endeavor because voting under their name would all but be impossible.

I would like to thank you again for spending time in our beautiful state. I love New Mexico and all that it has to offer. I just know that our children deserve a clean, fair and honest democratic process.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

[The statement of Ms. Perea follows:]

TESTIMONY

It is an honor for me to come before you today to talk about such a relevant and important issue to the state of New Mexico.

My name is Vickie Perea, I am a lifelong New Mexican, a husband of 43 years, a mother of two, and a grandmother of two. I have served as a City Councilor and eventually City Council president in Albuquerque, and I am now running for the position of New Mexico Secretary of State.

Over the last two years, I have had the opportunity to study the history of elections management in New Mexico, and to a large extent, it is the pervasive fraud that one can see in the process that has called me to be a candidate this year.

I appreciate your willingness to come to New Mexico to discuss these issues, and at this time, I'll walk you all through a brief powerpoint presentation that details only a very small part of the fraud that has existed in New Mexico's election system, and how true voter identification could help to stop future fraud.

First of all, as you very well know, with elections coming every two years (and sometimes quicker than that), voter fraud is difficult to track down and prosecute. But we have seen fraud take place – and we have had prosecutions of voter fraud – in a number of cases.

I will begin with the most blatant examples of votes being stolen from New Mexico voters in 2004. Rosemary McGee is a Bernalillo County voter who tried to vote on Election Day in 2004, only to find that someone else had signed the voting roster in her place earlier in the day (and spelled her name wrong). She voted on a provisional ballot and later learned that her legal vote was not counted. You can see the voting roster on this slide, with Rosemary's actual signature on the bottom, and the signature of the person who voted in her place at the top. And on the next slide, you can see the "NO" box checked and circled, indicating that her legal vote was not counted.

But Rosemary is not the only one...this also happened to Dwight Adkins, Kim Wistrand, Stephanie Ortiz, Heather Philpot, and Frank Sanchez. Six voters – who we know about – whose votes were taken from them in 2004. You will hear later on that I believe that a true voter identification measure is the foundation of a secure election system. All of these people would have been able to cast a ballot and have it count if voters had been required to show a photo ID before voting. (Source: Albuquerque Journal, November 3rd and 9th, 2004)

But let me now briefly walk you through a past history of voter fraud problems, beginning with a very early example, in 1992, with Elodia Candelaria, a community activist in Albuquerque who was convicted of embezzlement and voter fraud. (Source: Albuquerque Journal, July 27th, 1992)

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For example, a police officer named Glen Stout received a voter registration card for his 13 year old son, and another for his 15 year old neighbor, both of whom had been registered to vote by an ACORN employee. Stout worried that these cards could have been sent to another address, and someone less honest than he could have used them to vote on Election Day under his son's name. (Albuquerque Journal, "Clerk Seeks Vote-Fraud Review," October 29th, 2004 Albuquerque Tribune, "Sign-up Group Makes Stand," September 10th, 2004 Albuquerque Journal, "ID New Voters, Lawsuit Urges," August 21st, 2004)

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employees have been fired for fraud in Ohio. In another incident, police raided an Albuquerque home on a drug search, only to find fraudulent voter registration forms at the home, along with a "crack pipe." The individual was being paid \$5 for each registration form he turned in. There were also reports of deceased individuals being registered to vote. (Albuquerque Journal, "Clerk Seeks Vote-Fraud Review," October 29th, 2004 Albuquerque Tribune, "Sign-up Group Makes Stand," September 10th, 2004 Albuquerque Journal, "ID New Voters, Lawsuit Urges," August 21st, 2004 Albuquerque Tribune, "Flawed Voter Sign-ups Piling Up," August 7th, 2004 Albuquerque Journal, October 19th, 2004)

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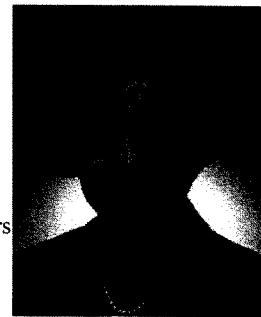
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BIOGRAPHY

Born in the town of Los Lunas, my roots run deep in New Mexico . I have grown up and faced life's tough challenges, advanced myself professionally, and most importantly, raised a beautiful family here in the Land of Enchantment .

It was soon after high school that I met and married the man of my life, Seff Perea, who I have been married to for 43 years now. We are the parents of two sons and their wonderful wives, as well as grandparents to two very special granddaughters.



My professional career began in city government, where I was tasked with managing over \$750 million of taxpayer money as Director of the City of Albuquerque's Capital Improvement Program. Managing a division of government accountable to the people is something I know well, having spent numerous years doing just that.

My service in city government moved to a new level when I retired to run for the City Council from the northeast heights of Albuquerque; as a policy maker and eventually as the first Hispanic female to be elected City Council President, I learned to represent the public directly, using all that I had learned throughout life to make the very tough decisions that elected officials make each day.

Since that point I have been privileged to work on various community service committees/organizations including:

- Trinity International University Board of Regents from 2004 to the present
- Family Life Communications (Family Life Radio) Board of Directors from 2001 to the present
- Chair of the City of Albuquerque/Bernalillo County Government Unification Exploratory Committee in 2002, and Vice Chair of the Unification Charter Commission for the City of Albuquerque/Bernalillo County in 2003.
- Hispanic Chamber of Commerce
- New Mexico Municipal League
- National League of Cities

I have attended the University of New Mexico and completed the Program for Executives in State and Local Government at the John F. Kennedy School of Government at Harvard University . I have also been awarded an honorary LLD, Doctor of Laws, from Cohen University and Theological Seminary.

The CHAIRMAN. Mr. Bryant.

**STATEMENT OF DANIEL A. BRYANT, ESQ., GENERAL COUNSEL,
OTERO COUNTY, NEW MEXICO**

Mr. BRYANT. Thank you—pardon me. Thank you, Mr. Chairman.

It's a pleasure to be here today. I had prepared myself to welcome you to sunny New Mexico, and I have to tell you I'm delighted that I can't welcome you to sunny New Mexico. We are happy for the rain.

I live in rural New Mexico up in the mountains north of Ruidoso, in Lincoln County. I'm married. I have five children. I'm a lawyer. I've practiced here for 28 years.

I've represented Otero County as their general counsel that entire time. And I have been on-site in the county clerk's office from about 5:00 a.m. in the morning until God knows when at night for every election every two years ever since. And I've seen a lot of things happen.

And I just want to express, initially, the opinion that in terms of voter registration and voter ID and ensuring that the person who is either signing an absentee ballot or an early ballot roster or a voter roster on election day is the person who is on the list at the address, in New Mexico, the system is just broken. In fact, it just doesn't exist.

The examples that Ms. Perea has just shared with you are spread all over the state of New Mexico. I have been working with a group of volunteers associated with the Republican party here in Dona Ana County, and they have been working for more than two years looking at some of the issues that have come up in elections here. And frankly, it's frightening.

When we heard about New Mexico's voter ID law, and we looked at how it was going to work, frankly, we chuckled. It was a joke from the start. And we've seen very similar processes and similar problems happen here.

Once the voter ID cards started coming out, Cecilia Levitino, who is with us in the audience today, has lived at her address for more than four years. And she received her voter ID card and was delighted. And a few days later, she received another voter ID card in the name of Karen Wright at the same address. Ms. Wright hadn't lived there for more than four years.

Now, if Ms. Levitino wasn't a committed American and a dedicated, ethical person, she'd have the opportunity to go to the poll and vote each one of those ID cards and exacerbate the problem here in New Mexico.

In the 2006 primary election, to give you a recent example, Mr. Sid Goddard, the chair of the local party—I'm representing them, and they said, "Dan, what can we do? How can we bring some legitimacy and verifiability to the election process here?"

And I said, "Well, you know, the most important thing we can do is be visible. We'll stop 85 percent of it if we'll just let them know we are here, and you need to watch us, and we're watching you."

Well, Mr. Goddard was in the county clerk's office after the polls had closed on election night. And a young man walked in and he

had a stack of absentee ballots, about 30 of them. And he walked up to the counter, and he said, "Who do I give these to."

And the young clerk asked him what his name was, and he shared that with her. And she said, "Well, where did you get these?"

And he said, "Well, Lupe gave them to me."

And then she asked him, "Well, what precinct are you from?"

And he said, "Well, I'm down by Sunland Park and Anthony."

And because Mr. Goddard was there and because he was taking notes and watching, those ballots were taken around to the Absentee Voter Precinct Board, and they were instructed that night to reject those. And they counted them, and it turned out, in that instance, we caught 27.

How many got delivered in that fashion that we didn't catch? An effective voter ID registration system and photo ID for voting would prevent a significant part of that.

I've been involved in enough elections that I don't want to sit here and tell you that it's my opinion that photo ID is going to solve it all. But what it is, is it is the essential, the critical first step in creating a system that really guarantees to Americans that their vote counts.

I've got another volunteer with me in the room today, Mr. Tom Walker, and he's been doing some work, and we've asked him to look at just one precinct here in the county. And so he started looking at the voter registration list and he started checking addresses. We looked for deceased voters. We found over 60 deceased voters that are still on the voter registration list.

We then did some more analysis just to take a look at it, and we were able to see, by looking back at the voter rosters and the lists of who voted in prior elections, that many of those 60 voters had voted every election, year after year after year, and then it cut off and it stopped and you see a break for four or five years, you know something has happened.

New Mexico has a law. The Bureau of Vital Statistics provides a list to the county clerks. The county clerks are supposed to take that list and remove those deceased persons from the voter rolls. It isn't happening. Every one of those votes—every one of those registrations that's still on the list is a potential for a fraudulent vote. Why? Because I walk in and I say, "My name is Fred Jones." And they look on their roster, and Fred Jones is on the roster. I reach out with my pen. I sign my name. They hand me a card. I go to the machine and I vote. And that is what we do when we vote on election day in New Mexico.

There is no way to stop me from voting if I know Mr. Jones is dead and I know that he's still on the registration rolls. If I had to show you an ID, and I had to get an ID that looked like this, and it said Dan Bryant, I couldn't have voted for Mr. Jones.

It's a critical first step in helping to solve this problem and create some confidence in our voting.

The CHAIRMAN. Thank you very much for your testimony.

[The statement of Mr. Bryant follows:]

Prepared Statement of Daniel A. Bryant, Esq.
Securing the Vote: New Mexico
COMMITTEE ON HOUSE ADMINISTRATION COMMITTEE FIELD HEARING
August 3, 2006 9:00 AM
Las Cruces, New Mexico

Thank you Mr. Chairman and members of the Committee for inviting me to testify today. I appreciate this opportunity to address the Committee about the important issues of voting in Federal Elections, voter identification and voter fraud. My experiences on behalf of the Otero County Clerk's office and the recent work that I have done in Dona Ana County have left me with an abiding conviction that one of the most important goals that I can pursue is to ensure that all elections in the our Country are held with the highest possible standards of honesty and integrity that guarantees that each United States citizen's vote counts in every election.

My name is Daniel Bryant and I am an attorney in private practice in New Mexico. I have served as General Counsel to numerous New Mexico Counties and Cities for the past twenty-eight years. Through my representation of these entities, I have participated in numerous elections and have personally witnessed many instances involving forms of fraud, misconduct and other problems in elections that jeopardize the integrity of elections.

I am concerned about fraud in the registration and voting process, and that legal voters have been disenfranchised by ballots illegally and fraudulently cast in our state and federal elections. Recently, I have been retained by the Dona Ana County Republicans to look into numerous instances that they have discovered to be fraudulent, inappropriate and egregious. Many volunteers have spent countless hours researching the results and data of the 2004 General Election here in Dona Ana County and discovered numerous occurrences of voter disenfranchisement. In addition, we have looked at the June 2006 Primary election and found additional instances that indicate that voter fraud could indeed be a problem. Many of these instances deal with rejected provisional ballots, voting machine tapes showing numbers of ballots cast that are different than reported to the New Mexico Secretary of State, votes cast by deceased individuals and numerous votes cast by the same voter.

We have been contacted by several Dona Ana County Voters who have related various circumstances that lead me to a great concern about the integrity of the voting process.

New Mexico recently instituted a non-photo voter identification program. When Cecilia Levitino received her voter ID card in the mail at the address she had lived in for more than four years, she also received a non-photo voter ID card for Karen Wright, the previous resident at that address. Someone who was less ethical could have seen to it that both cards were used on election day.

In another example, Mr. Tom Walker, a volunteer, investigated a list provided by the Clerk's office that showed registered voters within the County. He sent a group of college student volunteers around to the addresses and learned that a large portion of the addresses where either

vacant lots or apartment complexes from which the residents had moved or they were not residents at all. The student volunteers took photos one of the addresses listed was actually a field and a buffalo grazing. In addition, he used the New Mexico Vital Statistics report on deceased persons and compared that data base to the registered voter list and determined that a significant number of deceased voters were still registered to vote. Without photo voter ID, those registrations result in a pool of potential fraudulent votes that could be cast.

Shelly Hayner the Tally Point Leader for the Dona Ana County Republican Party for the 2004 General Election found that the voting machine tapes and numbers that the Clerk's office reported to the Secretary of State didn't match. The canvass returns of the General Election held on November 2, 2004 showed that there were 19,940 voters voting early. The machine tapes show 19,456. The variance between what the Clerk reported as early voters and what the machine tapes show is 484 votes. That discrepancy alone is large enough to change the result in a number of the races. Each of those 484 votes is a potential fraudulent vote. It is impossible to determine who those votes belonged to, how they were generated and whether the votes were cast by United States Citizens.

Maria Elena Bailey a new American Citizen from Mexico. Maria registered at the Dona Ana County Republican Party office on August 29, 2004, it was sent to the County Clerk on September 14, 2004 and dated by a date stamp at the Clerk's office. On election day, Maria went to vote, they showed her as not registered. Maria went to the Dona Ana County Republican Party Headquarters office to complain, they showed her the form that was dated by the Clerk's office. Maria took that to the Clerk and they indicated that they could not accept that because the Dona Ana County Republican Party could have put the date on it. The Dona Ana County Republican Party had one of their 14 lawyers call the Clerk's office and the Clerk's office told him that they found her registration in a box of other voter's registrations that had not been entered into the computer by election day and that she could vote on a provisional ballot. After the election, it was learned that her provisional ballot had been thrown out because she had not been registered to vote. She finally received two voter's registrations in June of 2005. If Ms. Bailey were not an ethical honorable person, she could vote twice in 2006 without an effective voter ID requirement.

CONCLUSION

As a result, I cannot reach any conclusion other than the need for an effective, consistent, nationwide voter ID requirement. Today I have little confidence that here in Dona Ana County we can be confident that the November 2006 election will reliably reflect the will of the voters. I remain significantly concerned that voter participation will be discouraged because the voters have little confidence that their vote really counts, when blocks of fraudulent votes are so easily manufactured. Initially, I conclude that HR 4844 or similar legislation is a critical step forward in the effort to restore integrity, honor and integrity to the election process.

Creating that environment is critical to restoring the confidence that Americans need to motivate increased participation and to generate large turnouts for our elections.

I would be happy to take questions from the Committee.

The CHAIRMAN. Please to recognize Ms. Walker.

STATEMENT OF KATHLEEN CAMPBELL WALKER, PRESIDENT-ELECT, AMERICAN IMMIGRATION LAWYERS ASSOCIATION

Ms. WALKER. Good morning, Chairman Ehlers, Representative Pearce and Representative LoFGREN. Thank you for the opportunity to provide testimony this morning.

My name is Kathleen Campbell Walker. I am president-elect of the American Immigration Lawyers Association. It is an association affiliated with the ABA, American Bar Association, in existence since 1946. And we have about 10,000 lawyers as members nationally.

I'm here today to try to address the immigration law side of the equation. I am obviously not a Voting Rights Act expert. I will profess to at least know something about immigration law after practicing for 21 years here in El Paso, Texas—here, a little farther down on the border, I should say.

What I'm very concerned about is that we obviously need to keep the right to vote sacrosanct. But when we talk about the issue of identity, that particular issue has permeated the area of immigration law in almost every facet, and especially, of course, since 9/11, and it should. But the issue that we are trying to deal with, in a voting perspective, is establishing citizenship.

Now, in trying to prepare for this hearing, I went through Proposition 200 in Arizona, Representative Hyde's 4844 bill, and Mr. Tancredo's 5915 bill recently introduced, and the idea is trying to prove citizenship. Well, in the immigration field, that's something that is sacrosanct as well. In order to truly establish citizenship, there are a few documents that the federal government considers acceptable to establish that you are a citizen. And when we're, just as we've heard from other members of this panel, having difficulties in just basic ID, I can only imagine the horror that would be created in attempting to truly establish whether or not some voter is indeed a U.S. citizen.

Let me try to outline some issues that unfortunately the Department of Homeland Security and the Department of State are frontally against the wall in dealing with this issue.

Identity is not citizenship. Identity you might see in Proposition 200 as being established by utility bills as an alternative form of record, or even a birth certificate—and I've got to tell you that if you want to look at the 9/11 Commission's report, we have a problem in the lack of consistency or authenticity procedures concerning our birth certificates. So what do we rely upon when we are looking at someone entering the United States to establish they're a U.S. citizen?

As it stands right now, I'm sure you all have heard about the Western Hemisphere Travel Initiative, a program or a—it's based on the Terrorism Prevention Act in 2004 that would require U.S. citizens and Canadians coming back from a visit to Mexico or Canada, for example, to be able to prove that they are U.S. citizens. And if you look at the documentation of about how many citizens we have that are crossing our northern and southern borders that would need passports—I just wanted to make a quick reference—in fiscal year 2001, there were 314,346,000 inspections on the

southern border. Of those inspections 93 million were U.S. citizens. If I look on the northern border, about 100 million inspections were made in 2001. 39 million U.S. citizens. If I add those together, I'm coming up with about the number of people that voted in the November 2004 presidential election.

Already, we have the Senate passing a proposal to delay the requirement of proof of U.S. citizenship to January of 2009, based on the obvious problem of either being able to issue U.S. passports or even an alternative form of document that is being proposed that's like an electronic passport. So we have issues in being able, even through the federal government, of doing this job.

And also some other examples, U.S. VISIT. U.S. VISIT is supposed to be tracking entry and exit into our country. And as it stands right now, we have yet to be able to implement exit control. Anybody along the border will tell you that we don't even have facilities to enable one to inspect vehicles departing the United States to confirm whether or not someone has actually departed.

And in addition, are we going to have people that are going to get out of cars and present themselves? I can assure you that in El Paso, Texas, as well as in Las Cruces, that you are not going to have the ability to get commerce back and forth if that particular provision is implemented.

So what's happened, logic has indeed prevailed to some degree, and we have postponed the full implementation of what originated as Section 110, IIRAIRA, because of the practical impossibility.

What we want is not optical security issues. What we want, in a voter registration perspective, are not optical placebos. I think that the idea of identity verification is one you have to cautiously balance against the concern of voter suppression, and make sure that you think of the poor or the disabled and those unable to have access or means to be able to provide documentation of just status, period, without talking about citizenship.

Let's have a further example in the employment verification context. Employers having to document whether or not someone is legally eligible to work, one factor, and then, in addition to that, their identity. There are list, A, B and C documents. In the testimony provided—

He has gotten the gavel.

In the testimony provided, you will see that there is an example of the I-9 form, which for U.S. citizenship purposes, you can prove citizenship by a U.S. passport, certificate of citizenship, or a certificate of naturalization. To obtain a certificate of citizenship right now costs over \$200 and months to process.

So what I'm trying to invoke here is that it's quite difficult to be able to impose that requirement from a documentation perspective.

And in brief summary, I also want to make sure that you are aware, if someone is a non-citizen and they vote, there are extremely severe consequences in U.S. immigration law to that action. There are two provisions of law that everyone should know about. Title 18, Section 1015, which makes it a felony, punishable by a fine of up to five years of imprisonment, if you claim U.S. citizenship falsely as your basis to vote in any federal, state or local election.

In addition to that, in Section 611, if I vote in a federal election, that is a criminal action, punishable by a fine or up to one year imprisonment or both; and in addition, from an immigration perspective, if I do so, I'm subject to removal from the United States; and in addition to that, inadmissibility to the United States.

So I would try to conjecture here that anyone in their right mind, who wishes to guard their right to live and work in the United States, would never hesitate to cross—excuse me—would never cross that line to vote knowing these consequences.

What I would suggest is that if we have a voter education campaign of trying to provide those who register individuals to vote with information about the consequences to a non-citizen if they do, then this concern would be resolved.

Thank you, sir. I see I'm out of time.

The CHAIRMAN. Thank you.

[The statement of Ms. Walker follows:]

Statement of
Kathleen Campbell Walker
on behalf of the
American Immigration Lawyers Association
concerning
Securing the Vote
before the

U.S. House of Representatives
Committee on House Administration
Committee Field Hearing

August 3, 2006

Las Cruces, New Mexico

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Chairman Ehlers, Ranking Member Millender-McDonald, and distinguished Members of the Committee, I am Kathleen Campbell Walker, National President-Elect of the American Immigration Lawyers Association (AILA). I am honored to have the opportunity to appear before you today concerning the intersection of our current immigration laws with voting rights and identity related issues.

AILA is the immigration bar association of almost 10,000 members who practice immigration law. Founded in 1946, the association is a nonpartisan, nonprofit organization and is affiliated with the American Bar Association (ABA). AILA members represent tens of thousands of: U.S. families who have applied for permanent residence for their spouses, children, and other close relatives to lawfully enter and reside in the United States (U.S.); U.S. businesses, universities, colleges, and industries that sponsor highly skilled foreign professionals seeking to enter the U.S. on a temporary basis or, having proved the unavailability of U.S. workers when required, on a permanent basis; applicants for naturalization; applicants for derivative citizenship as well as those qualifying for automatic citizenship; and healthcare workers, asylum seekers, often on a pro bono basis, as well as athletes, entertainers, exchange visitors, artists, and foreign students. AILA members have assisted in contributing ideas to increased port of entry inspection efficiencies, database integration, and technology oversight, and continue to work through our national liaison activities with federal agencies engaged in the administration and enforcement of our immigration laws to identify ways to improve adjudicative processes and procedures.

Being from El Paso and practicing immigration law there for over 20 years, my practice has focused on consular processing, admissions, business-based cross border immigration issues, naturalization, citizenship, and family-based cases. I previously served as the president for four years of the El Paso Foreign Trade Association, which was incorporated in 1985; a member of the Texas Comptroller's Border Advisory Council; a member of the board of the Border Trade Alliance; and a member of the executive committee of the Texas Border Infrastructure Coalition for the city of El Paso. This experience has provided me with many opportunities to participate in and observe border infrastructure improvements as well as Department of State (DOS) and Homeland Security (DHS) projects related to security, including U.S. VISIT.

Summary

Current U.S. immigration law and federal criminal law provides for severe criminal penalties as discussed below as to foreign nationals claiming U.S. citizenship in order to vote or voting in elections, which include being removed from the U.S. Although the importance of preserving the force of a citizen's vote cannot be understated neither can the risk of voter suppression of those who do not have the means to obtain documentation of citizenship status if the extension of the Voting Rights Act was indeed meant to preserve the fundamental precepts set forth in that law, an evaluation of the ability of the poor, elderly, and disabled to present citizenship documentation must be weighed against the potential fraud risk alleged here. If foreign nationals knew the severe consequences of voter registration and the action of voting in the U.S. via notice provided by registrars and others, I doubt many would choose to lose their right to remain in the U.S. I know that the American Immigration Lawyers Association would be willing to work on such notice language to reduce this exposure to the uninformed. In addition, there is a glaring paucity of documentation of fraud conducted by non-citizens registering to vote or voting in U.S. elections. Even so, we all agree that we must

preserve the ability of U.S. citizens to exercise their right to vote, and we must not implement any measures to place difficult barriers in their way.

Background

The issues this hearing raises concerning the confirmation of identity permeate the area of U.S. immigration law, most especially post the tragedy of September 11 for just cause. Immigration status has been raised in a number of areas including the application for driver's licenses, federal and state benefits, and employment eligibility; in addition to the normal context of applications for admission to the U.S. The ability to document immigration status is not simple and the forms establishing lawful status are myriad in numbers. The reason to raise this point is that the ability to prove even U.S. citizenship is difficult at best for the vast majority of U.S. citizens, who do not possess a U.S. passport much less a birth certificate issued by a central state office. In addition, the process just to obtain a passport can be lengthy as well as costly (current base adult fee \$97.00). Please refer to http://www.travel.state.gov/passport/get/first/first_830.html for the passport application process.

A. Employment Verification

Establishing lawful immigration status that would authorize a person to legally work in the U.S. received focused attention in the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. No. 99-603. IRCA required employers to verify the identity and employment eligibility of employees. The I-9 form used for determining employment eligibility by employers (see attached form) requires both proof of identity and employment eligibility via numerous documentary options. The List A documents set forth on the I-9 form on their face provide proof of both the person's identity as well as work eligibility. These documents include a U.S. passport, Certificate of U.S. Citizenship (N-560 or N-561), and a Certificate of Naturalization (N-550 or N-570), which all serve as proof that the person is a U.S. citizen. Section 1 of the I-9 form also requires an employee to attest if they are a U.S. citizen or national, a U.S. lawful permanent resident, or an alien authorized to work.

The other documents accepted to establish identity alone include a driver's license containing a photograph or other biographic data, a voter's registration card, a Native American tribal document, and a federal, state, or local government ID card among others. A U.S. social security card does not establish identity or for that matter U.S. citizenship. Original or certified copies of a birth certificate issued by a state, county, municipal authority or outlying possession of the U.S. bearing an official seal also do not establish both identity and work eligibility. The complexity of verifying work eligibility and identity is the rationale for many current legislative proposals that do away with the I-9 and replace it with mandatory verification of social security numbers through the Social Security Administration (SSA) to verify work eligibility. Yet, the DHS database used by SSA now to attempt to verify status is not by a long shot a fail-safe source for timely and accurate verification of immigration status.

B. US VISIT

As another example of the difficulty to enforce laws related to the verification of immigration status and identity is DHS' efforts to track the entry and exit of foreign nationals to the U.S. via the US VISIT program. US VISIT is the current brand name for

the section 110 entry/exit program mandate of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208. About **ten** years ago, Congress directed the Attorney General to develop an automated entry/exit system that would collect records of arrival and departure from every foreign national entering and leaving the U.S. Full implementation (meaning entry/exit tracking at all ports of entry) of the US VISIT mandate assumes a foundation in infrastructure, staffing, biometrics, database interconnectivity, intelligence, and enforcement capabilities, all of which do not now exist. The reason for the long delay in implementing the section 110 mandate can be found in the absence of this foundation and years of failure by federal agencies to properly implement the system as well as inadequate funding from Congress. One of the main reasons for the failure of the implementation has been prohibitive costs and the risks of severely decreasing commerce and tourism. Ample testimony has been provided in numerous hearings providing concrete examples of the potential harm to our economy with theoretical full implementation of entry/exit control. In addition, due to the lack of documentation of U.S. and Canadian citizens of their citizenship status, their exemptions are preserved from entry and exit control. To their credit, those managing the US VISIT program have attempted to listen to these implications and elected not to "throw out the baby with the bath water" by implementing the program to the severe detriment of our economy.

C. Western Hemisphere Travel Initiative

The Western Hemisphere Travel Initiative (WHTI) provides an even more practical example of the difficulties in documenting immigration status, in particular, U.S. citizenship. For years, U.S. and Canadian citizens have crossed the northern and southern border using documents such as drivers' licenses or birth certificates. In 2005, an estimated 13 million U.S. citizens crossed the northern border. The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Pub. L. No. 108-458, requires the Secretary of Homeland Security in consultation with the Secretary of State to develop a plan that requires a passport or other document or combination of documents that the Secretary of Homeland Security deems sufficient to show identity and citizenship for U.S. citizens and citizens of Bermuda, Canada, and Mexico when entering the U.S. from certain countries in North, Central, and South America. The plan is supposed to be implemented by January 2008.

In reviewing the Data Management Improvement Act Task Force's First Annual Report to Congress submitted in December of 2002, the Report notes that of the 100,018,285 northern border inspections in fiscal year 2001, 39,153,057 inspections were made of U.S. citizens. As to the southern border, of the 314,346,554 inspections made, 93,111,738 inspections were made of U.S. citizens. The vast majority of these U.S. citizens do not possess a passport. Recently, in July 2006, the U.S. Senate passed the Department of Homeland Security Appropriations Bill, which extended the deadline to implement WHTI to June 1, 2009.

This extension reflects the tremendous challenge involved with the timely issuance of passports or some acceptable substitute document to millions of U.S. citizens, who cross our northern and southern borders. As noted in the May 25, 2006 GAO report on "Observations on Efforts to Implement the Western Hemisphere Travel Initiative on the U.S. Border with Canada," DHS and the Department of State (DOS) have a "long way to go to implement their proposed plans, and the time to get the job done is slipping by. The many challenges they face mirror the complexities and nuances involved in

developing a border security program that is a major cultural change in the way that individuals and commerce cross the U.S.-Canadian border."

Although this example does not involve the sanctity of the exercise of the right to vote, certainly in the case of providing for our national security, the federal government is having a very difficult time in being able to provide documentation of U.S. citizenship status to such a large population. This population of users is larger than the overall number of people voting in the November 2004 presidential election according the numbers stated by the U.S. Census Bureau in its March 2006 report entitled, "Voting and Registration in the Election of November of 2004."

Thus, it is critical to understand the impact and practical implications of trying to force a requirement of proof of citizenship on such a large population. The magnitude of this task caused the WHTI initiative to be subject to ongoing delays.

Consequences of Unlawful Registration or Voting

The consequences of knowingly making a false claim to U.S. citizenship to vote in any Federal, State, or local election are already severe under section 1015 to Title 18 of the United States Code (USC), which makes this action a felony punishable by a fine or up to five years imprisonment or both. In addition, section 611 of Title 18 of the USC provides that it is a criminal act for an alien to vote in an election for President, Vice President, Presidential elector, Member of the House or Senate of the U.S., Delegate from the District of Columbia, or Resident Commissioner. A violation of this section of Title 18 is punishable by a fine or up to one year imprisonment or both. These changes were made in the law by provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), Pub. L. No. 104-208.

As of April 1, 1997, section 347(a) of IIRAIRA created section 212(a)(10)(D) of the Immigration and Nationality Act (INA) by making any alien who "has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation" inadmissible to the U.S. Section 347(b) of IIRAIRA also resulted in the addition of section 237(a)(6) to the INA, which makes the same actions just outlined above a removable offense from the U.S. These provisions applied to unlawful voting occurring before, on, or after the enactment, and a conviction for unlawful voting is not required to trigger the penalties of these provisions. Note that in the May 5, 1997 wire #23 to the Immigration and Naturalization Service (INS) Management sent by the INS Assistant Commissioner at the time on the enforcement of these provisions, Mr. Ayles noted that if an alien acquired citizenship through naturalization subsequent to voting, "it is required that revocation be pursued in the appropriate venue." (See copy of wire attached)

The relevance of this penalty information is that after spending years to acquire legal permanent resident status, foreign nationals desire to preserve their hard fought right to live and work in the U.S. We all view the right to vote as a fundamental privilege and cherished opportunity in our nation, the beacon of such opportunity; non-citizens view their opportunity and ability to remain in the U.S. in the same light.

Whether the risk of a non-U.S. citizen voting in a Federal, State, or local election is documentable as infinitesimal or not, and the material I note below suggests it is infinitesimal, those who register voters or check-in the voting population at an election booth would perform a great service by posting information that would educate the public

about voting eligibility and the consequences for non-citizens of voting in elections. Many members of the U.S. public either do not know what U.S. legal permanent resident status is or they believe that such status is the same as U.S. citizenship. Thus, it is not a surprise to find U.S. legal permanent residents who are not yet fluent in English believing that they are eligible or are required to sign up to vote. If the true concern here is to respond appropriately to a perceived abuse of the privilege of voting by foreign nationals, it is incumbent to initiate an educational campaign that would be less costly and less likely to result in voter suppression.

In a case proceeding in Arizona against certain non-citizen residents for registering to vote, it is instructive to note that one of the individuals charged related that they were offered a voter registration form at the same time they registered for Selective Service. Thus, they believed they were allowed to register. Such a fact pattern is not uncommon.

Proposition 200, H.R. 4844, H.R. 5913

Arizona's Proposition 200, Representative Hyde's Federal Election Integrity Act of 2006, and Representative Tancredo's Voter Integrity Protection Act of 2006 all profess to protect the priceless vote of U.S. citizens in this country by requiring proof of citizenship in some manner. On a superficial level, one can understand and empathize with the desire to ensure that someone is entitled to exercise the right to vote. With the recent enactment into law of the Voting Rights Act by the President and the paucity of empirical evidence regarding false claims by non-citizens to the right to vote in U.S. elections, the pointed question of whether such proposals will achieve intended results or result in voter disenfranchisement must be answered.

Both Representatives Hyde and Tancredo's proposals refer to the need to provide proof of U.S. citizenship. Whose definition of this standard will obtain?

Currently, 8 U.S.C. §1185(b), INA §215(b) provides that it is unlawful for any U.S. citizen to depart from or enter the U.S., without a valid passport, unless otherwise provided by the President of the U.S. Part 53 of the Department of State (DOS) regulations outlines the exceptions to this rule, which include travel by a U.S. citizen within parts of the U.S., which encompasses the continental states of the U.S., Hawaii, the Commonwealth of Puerto Rico, American Samoa, Guam, the Canal Zone, and any other islands or territory over which the U.S. exercises jurisdiction. In addition, for example, a U.S. citizen is not required to present a U.S. passport when traveling between the U.S. and any country, territory, or island adjacent thereto in North, South, or Central America, excluding Cuba; if the travel to such countries does not have a duration of longer than 60 days after departure from the U.S. The upcoming deadline for the start of the WHTI will basically do away with these exceptions.

In testimony before the U.S. Senate Relations Committee, Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs on June 9, 2005, Deputy Assistant Secretary for Consular Affairs, Frank E. Moss, noted that, "...we expect to face significant resource shortfalls as we implement WHTI" based on projected growth in passport demand. Due to the cost and lack of resources and complaints from many border communities and private sector groups, both DHS and DOS are in the process of trying to develop alternative ways to document U.S. citizenship status for cross border travel purposes. The relevance of this point in the voting context is that the federal agencies responsible for this issue have acknowledged that they are backlogged in

trying to address the anticipated demand by U.S. citizens in the context of WHTI. To add capacity demand from those wishing to vote in U.S. elections would create an even larger critical demand on inadequate resources. Other documentation of U.S. citizenship status such as a Certificate of Citizenship can takes months for issuance by DHS via an N-600 at a cost of \$255.00 currently. Another practical example is that for those who have lost their Naturalization Certificate, an N-565 replacement form must be filed at a cost of \$220.00 and the person can again wait for months before receiving the replacement.

Proposition 200 provides that proof of citizenship can be provided by a legible photocopy of the applicant's birth certificate that verifies citizenship to the "satisfaction of the county recorder." Such a birth certificate would not establish identity or work eligibility under the current federal employment verification regulations. A standard of "satisfaction" to a county employee is not an invitation to consistency or predictability, which should be imperative in any proposal to truly address citizenship verification. Thus, the proposals appear to be optical placebos, which do not reflect an appreciation for the rights reaffirmed by the recent extension of the Voting Rights Act.

Anecdotes on Fraud

This Committee has done a very thorough review of the impact of voter identification risks and benefits. I found the comments made by Mr. Wendy Noren, the county clerk for Boone County, Missouri, at the hearing on June 22, 2006 before this committee very instructive from someone on the ground with almost 30 years of experience as an election official. Mr. Boone stated the following as to voter ID legislation:

Although Missouri has had its share of fraud over the past twenty-eight years, we have followed the national pattern that the fraud comes from three areas – absentee ballot fraud, voter intimidation and vote buying schemes. The more sensational examples are duplicate registrations across jurisdiction lines. The famous examples of fraudulent registrations submitted in 2001 prior to a St Louis City municipal primary were actually caught by the election board before the election ever occurred. The implementation of a photo id requirement does not in fact address the areas where we have real fraud.

In short, the instances of people showing up in person at a polling place and either impersonating a legitimate voter or casting a ballot under a fictional name are at best extremely rare and at worst completely anecdotal. The institution of a photo id requirement will have little or no impact on my ability to detect or prevent fraud. If it did not provide an obstacle to any voter we would see that it neither helps nor hurt me keep my balance on the election high wire act.

As I stated originally, the fraud this is designed to protect, if it exists, is at best minuscule. The number of voters denied participation in my community will far exceed any possible fraudulent schemes. The incredible irony of Missouri's law is that because it covers only those who show up at a polling place, it will push many more voters to vote absentee – the method most susceptible to fraudulent voting, vote buying schemes and voter intimidation. Rather than protecting against fraud, it will expand the pool of targets for fraudulent balloting.

On that same day, the Committee also heard from Mr. Spencer Overton, a tenured professor at the George Washington University School of Law and commissioner on the 2005 Carter-Baker Commission on Federal Election Reform. Mr. Overton noted that:

No systematic, empirical study of the magnitude of voter fraud has been conducted at either the national level or in any state to date, but the best existing data suggests that a photo identification requirement would do more harm than good. An estimated 6 to 10 percent of voting-age Americans do not possess a state-issued photo identification card, and in states such as

Wisconsin 78 percent of African-American men ages 18-24 lack a driver's license. By comparison, a study of 2.8 million ballots cast in 2004 in Washington State showed only 0.0009 percent of the ballots involved double voting or voting in the name of deceased individuals.] If further study confirms that photo identification requirements would deter over 6,700 legitimate votes for every single fraudulent vote prevented, a photo identification requirement would increase the likelihood of erroneous election outcomes.

While anecdotes about fraud are rhetorically persuasive because people without specialized knowledge can understand stories, the narratives often contain false information, omit critical facts, or focus on wrongdoing that a photo identification requirement would not prevent. Even when true, anecdotes do not reveal the frequency of similar instances of voter fraud.

If the standard to be applied to be allowed to register to vote is proof of citizenship acceptable to federal enforcement agencies, such a deterrent/voter suppression result would logically be exponentially increased due to the difficulty of obtaining such documentation and the related costs.

Conclusion

The right to vote must be zealously guarded as sacrosanct. The potential impact of the imposition of identity requirements must be cautiously weighed against voter suppression. Documentation of the problems associated with requiring proof of citizenship abound in the immigration field, and the pivotal concern in the imposition of any identity related requirement must be to preserve and encourage U.S. citizens to exercise their right to vote. Fraudulent claims to U.S. citizenship are already addressed in U.S. immigration and criminal law. Imposition of a citizenship evidentiary standard in the exercise of voting rights will serve to further discourage voter participation due to costs, bureaucratic delays, and the practical incapacities of the federal agencies to issue such documentation of status effectively at this time.

KEMP SMITH

KATHLEEN CAMPBELL WALKER

Kathleen is currently the President Elect of the American Immigration Lawyers Association ("AILA"). She serves as chairperson of the Immigration and Nationality Law Board Certification Exam Committee for the State Bar of Texas, as well as on the Advisory Committee. She has served on the Standing Committee of the State Bar of Texas on Immigration and Nationality Law. She has served on the Board of Governors of AILA for several terms.

In 2002, she received the National Advocacy Award for AILA in San Francisco. As part of her advocacy work, she testified before the House and Senate Immigration Subcommittees for AILA regarding the Homeland Security Bill. She also testified before the Senate Immigration Subcommittee on the Border Security Bill for AILA, as well as before the House Select Committee on Homeland Security regarding US- VISIT. In addition, she has been a guest several times on immigration issues on MSNBC's Scarborough Country. She has been quoted in the Congressional Quarterly, Washington Times, Government Executive Magazine, the National Journal, the El Paso Times, the Arizona Republic, the Dallas Morning News, the Austin American Statesman, the Columbia Daily Tribune, the Seattle Weekly, etc.

She served as president of the El Paso Foreign Trade Association for four years during which she worked extensively on establishing the first Dedicated Commuter Lane in the state of Texas in El Paso. In AILA, she served for four years as chair of the Department of State Liaison Committee for AILA and received a Presidential Commendation from AILA for her work on the committee in 2001. She has served on the Texas Border Advisory Council of the Texas Comptroller of Public Accounts, and has represented the city of El Paso on the executive committee of the Texas Border Infrastructure Coalition based on appointment by then Mayor Carlos Ramirez. She was also appointed to the Texas Board of Professional Engineers as a public member by then Governor George W. Bush.

She has served as a member of the planning committee, a co-chair, moderator, or speaker for numerous immigration conferences sponsored by AILA, the University of Texas School of Law, and ALI-ABA since 1986. She has also written articles for or edited numerous AILA conferences and publications, including the Visa Processing Guide as to the Cd. Juarez consulate and AILA's NAFTA books. She has been listed in the Best Lawyers in America publication for immigration, since the area was recognized by the publication. In 2003 and 2004, she was named as a "Texas Super Lawyer" by Law & Politics magazine for immigration. She is listed in the International Who's Who of Corporate Immigration Lawyers as one of the leading Texas immigration practitioners, and she is a member of the International Bar Association's immigration section.

In 2002, she was named the REACH award recipient for the Professional category by the El Paso YWCA. In 2005, she was recognized by the El Paso Bar Association as a Trailblazer for Women Lawyers. She is Board Certified in Immigration and Nationality Law by the Texas Board of Legal Specialization. Her immigration practice primarily focuses on business and family based immigration, consular processing, employer sanctions, citizenship and naturalization, and inspection issues. She has practiced on the border in El Paso for 20 years.



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PRACTICE AREAS
Immigration, Cross-Border
Transactions, Customs

CERTIFICATIONS
Board Certified, Immigration and
Nationality Law
Texas Board of Legal Specialization

BARS AND COURTS
Texas, 1985
U.S. District Court, Western District
of Texas, 1991
U.S. Court of International
Trade, 1991
U.S. Court of Appeals for the
Federal Circuit, 1991
U.S. Court of Appeals, Fifth Circuit.
1991
U.S. Supreme Court, 1991

EDUCATION
Texas Tech University, B.A., highest
honors, 1982
University of Texas School of Law,
J.D., 1985

**KEMP
SMITH**
S I N C I
1866

U. S. Citizenship and Immigration Services

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[Forms and Fees](#)
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[e-Filing USCIS Forms](#)
[Fingerprints](#)

Please review this page before downloading this form. It may contain important changes to the instructions for completing and filing the form. The form contained here is the latest printed version. Form changes cannot be made as quickly on the printed forms as they can on this website. Therefore, we are providing notices of changes through this page to assist you with the latest information. You may use the form provided here, but be sure to follow any special instructions listed on this page. **Failure to follow these instructions may result in your application or petition being delayed or denied.** You may wish to read our [General Instructions](#) on forms.

You will need the latest version of [Adobe Reader](#) to fill, view or print these forms in Portable Document Format (PDF).

Form:

[I-9, Employment Eligibility Verification](#) 

Instructions:

Purpose of Form:	All U.S. employers are responsible for completion and retention Form I-9 for each individual they hire for employment in the United States. This includes citizens and noncitizens. On the form, the employer must verify the employment eligibility and identity documents presented by the employee and record the document information on the Form I-9. Acceptable documents are listed on the back of the form, and detailed below under "Special Instructions."
Number of Pages:	3 pages
Edition Date:	5/31/05. This is the 1991 edition of Form I-9, rebranded with a current printing date to reflect the transition from INS to DHS and its components. See the Press Release .
Where to File:	Do not file Form I-9 with U.S. Immigration and Customs Enforcement (ICE) or USCIS. Form I-9 must be kept by the employer either for three years after the date of hire or for one year after employment is terminated, whichever is later. The form must be available for inspection by the authorized U.S. Government officials (e.g., ICE, Department of Labor).
Filing Fee:	None

Special Instructions:

This version of Form I-9, Employment Eligibility Verification, is a fillable form. You should have the latest version of the free [Adobe Reader](#) to use the form.

Please note the following changes to the Form I-9 process:

- Form I-766 (Employment Authorization Document), although not listed on the 5/31/05 version of the Form I-9, is an acceptable List A document #10.
- Form I-151 is no longer an acceptable List A document #5. However, Form I-551 remains an acceptable List A document #5.
- The following documents have been removed from the list of acceptable identity and work authorization documents: Certificate of U.S. Citizenship (List A #2), Certificate of Naturalization (List A #3), Unexpired Reentry Permit (List A #8) and Unexpired Refugee Travel Document (List A #9).

See also, [About Form I-9, Employment Verification](#).

Download:

[I-9 \(Fillable PDF, 959 KB\)](#)

Other Information:

[DHS Issues Rebranded Form I-9](#)

[Frequently Asked Questions About Employment Eligibility](#)

If you would like more information about the employment eligibility verification process, please see the homepage for the [Office of Business Liaison](#).

[Information for Employers](#)

| Last Modified 03/03/2006

INSTRUCTIONS

PLEASE READ ALL INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS FORM.

Anti-Discrimination Notice. It is illegal to discriminate against any individual (other than an alien not authorized to work in the U.S.) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work eligible individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

Section 1 - Employee. All employees, citizens and noncitizens, hired after November 6, 1986, must complete Section 1 of this form at the time of hire, which is the actual beginning of employment. The employer is responsible for ensuring that Section 1 is timely and properly completed.

Preparer/Translator Certification. The Preparer/Translator Certification must be completed if Section 1 is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete Section 1 on his/her own. However, the employee must still sign Section 1 personally.

Section 2 - Employer. For the purpose of completing this form, the term "employer" includes those recruiters and referrers for a fee who are agricultural associations, agricultural employers or farm labor contractors.

Employers must complete Section 2 by examining evidence of identity and employment eligibility within three (3) business days of the date employment begins. If employees are authorized to work, but are unable to present the required document(s) within three business days, they must present a receipt for the application of the document(s) within three business days and the actual document(s) within ninety (90) days. However, if employers hire individuals for a duration of less than three business days, Section 2 must be completed at the time employment begins. Employers **must record:** 1) document title; 2) issuing authority; 3) document number; 4) expiration date, if any; and 5) the date employment begins. Employers must sign and date the certification. Employees must present original documents. Employers may, but are not required to, photocopy the document(s) presented. These photocopies may only be used for the verification process and must be retained with the I-9. However, employers are still responsible for completing the I-9.

Section 3 - Updating and Reverification. Employers must complete Section 3 when updating and/or reverifying the I-9. Employers must reverify employment eligibility of their employees on or before the expiration date recorded in Section 1. Employers **CANNOT** specify which document(s) they will accept from an employee.

- If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
- If an employee is rehired within three (3) years of the date this form was originally completed and the employee is still eligible to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.
- If an employee is rehired within three (3) years of the date this form was originally completed and the employee's work authorization has expired or if a current employee's work authorization is about to expire (reverification), complete Block B and:

- examine any document that reflects that the employee is authorized to work in the U.S. (see List A or C),
- record the document title, document number and expiration date (if any) in Block C, and
- complete the signature block.

Photocopying and Retaining Form I-9. A blank I-9 may be reproduced, provided both sides are copied. The instructions must be available to all employees completing this form. Employers must retain completed I-9s for three (3) years after the date of hire or one (1) year after the date employment ends, whichever is later.

For more detailed information, you may refer to the Department of Homeland Security (DHS) Handbook for Employers, (Form M-274). You may obtain the handbook at your local U.S. Citizenship and Immigration Services (USCIS) office.

Privacy Act Notice. The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by officials of the U.S. Immigration and Customs Enforcement, Department of Labor and Office of Special Counsel for Immigration Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

Reporting Burden. We try to create forms and instructions that are accurate, can be easily understood and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. Accordingly, the reporting burden for this collection of information is computed as follows: 1) learning about this form, 5 minutes; 2) completing the form, 5 minutes; and 3) assembling and filing (recordkeeping) the form, 5 minutes, for an average of 15 minutes per response. If you have comments regarding the accuracy of the burden estimate, or suggestions for making this form simpler, you can write to U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., Washington, DC 20529. OMB No. 1615-0047.

NOTE: This is the 1991 edition of the Form I-9 that has been rebranded with a current printing date to reflect the recent transition from the INS to DHS and its components.

EMPLOYERS MUST RETAIN COMPLETED FORM I-9
PLEASE DO NOT MAIL COMPLETED FORM I-9 TO ICE OR USCIS

Form I-9 (Rev. 05/31/05)

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1615-0047; Expires 03/31/07

Employment Eligibility Verification

Please read instructions carefully before completing this form. The instructions must be available during completion of this form. ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins.

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
City	State	Zip Code	Social Security #
I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.		I attest, under penalty of perjury, that I am (check one of the following): <input type="checkbox"/> A citizen or national of the United States <input type="checkbox"/> A Lawful Permanent Resident (Alien #) A _____ <input type="checkbox"/> An alien authorized to work until _____ (Alien # or Admission #) _____	
Employee's Signature		Date (month/day/year)	
Preparer and/or Translator Certification. (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.			
Preparer's/Translator's Signature	Print Name		
Address (Street Name and Number, City, State, Zip Code)		Date (month/day/year)	

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	List C
Document title: _____		_____	_____	_____
Issuing authority: _____		_____	_____	_____
Document #: _____		_____	_____	_____
Expiration Date (if any): _____		_____	_____	_____
Document #: _____		_____	_____	_____
Expiration Date (if any): _____		_____	_____	_____
CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) _____ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)				
Signature of Employer or Authorized Representative	Print Name	Title		
Business or Organization Name	Address (Street Name and Number, City, State, Zip Code)	Date (month/day/year)		

Section 3. Updating and Reverification. To be completed and signed by employer.

A. New Name (if applicable)	B. Date of Rehire (month/day/year) (if applicable)
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility. Document Title: _____ Document #: _____ Expiration Date (if any): _____	
I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.	
Signature of Employer or Authorized Representative	Date (month/day/year)

NOTE: This is the 1991 edition of the Form I-9 that has been rebranded with a current printing date to reflect the recent transition from the INS to DHS and its components.

Form I-9 (Rev. 05/31/05) Y Page 2

LISTS OF ACCEPTABLE DOCUMENTS

LIST A	LIST B	LIST C
<p>Documents that Establish Both Identity and Employment Eligibility</p> <p>OR</p> <p>1. U.S. Passport (unexpired or expired)</p> <p>2. Certificate of U.S. Citizenship (<i>Form N-560 or N-561</i>)</p> <p>3. Certificate of Naturalization (<i>Form N-550 or N-570</i>)</p> <p>4. Unexpired foreign passport, with <i>I-551 stamp</i> or attached <i>Form I-94</i> indicating unexpired employment authorization</p> <p>5. Permanent Resident Card or Alien Registration Receipt Card with photograph (<i>Form I-151 or I-551</i>)</p> <p>6. Unexpired Temporary Resident Card (<i>Form I-688</i>)</p> <p>7. Unexpired Employment Authorization Card (<i>Form I-688A</i>)</p> <p>8. Unexpired Reentry Permit (<i>Form I-327</i>)</p> <p>9. Unexpired Refugee Travel Document (<i>Form I-571</i>)</p> <p>10. Unexpired Employment Authorization Document issued by DHS that contains a photograph (<i>Form I-688B</i>)</p>	<p>Documents that Establish Identity</p> <p>AND</p> <p>1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address</p> <p>2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address</p> <p>3. School ID card with a photograph</p> <p>4. Voter's registration card</p> <p>5. U.S. Military card or draft record</p> <p>6. Military dependent's ID card</p> <p>7. U.S. Coast Guard Merchant Mariner Card</p> <p>8. Native American tribal document</p> <p>9. Driver's license issued by a Canadian government authority</p> <p>For persons under age 18 who are unable to present a document listed above:</p> <p>10. School record or report card</p> <p>11. Clinic, doctor or hospital record</p> <p>12. Day-care or nursery school record</p>	<p>Documents that Establish Employment Eligibility</p> <p>1. U.S. social security card issued by the Social Security Administration (<i>other than a card stating it is not valid for employment</i>)</p> <p>2. Certification of Birth Abroad issued by the Department of State (<i>Form FS-545 or Form DS-1350</i>)</p> <p>3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal</p> <p>4. Native American tribal document</p> <p>5. U.S. Citizen ID Card (<i>Form I-197</i>)</p> <p>6. ID Card for use of Resident Citizen in the United States (<i>Form I-179</i>)</p> <p>7. Unexpired employment authorization document issued by DHS (<i>other than those listed under List A</i>)</p>

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

Kathleen Walker

From: Kathleen Walker
Sent: Tuesday, August 01, 2006 3:22 PM
To: Kathleen Walker
Subject: vote

Michael L. Ayles
Assistant Commissioner
[55, Virtue] IIRAIRA Wire #23: INS Advises on Voter Registration under IIRAIRA
Site as "Posted on AILA InfoNet at Doc. No. 97050592"
6 Act # 023
IIRAIRA 50/5.12
Date: May 5, 1997
To: Management Team
Regional Directors
District Directors (Including Foreign)
Chief Patrol Agents
Officers in Charge (Including Foreign)
Chief, ODETG, Glync, GA
Chief Patrol Agent, BPA, Glync, GA
Asylum Office Directors
Service Center Directors
Regional Counsel
District Counsel
From: Office of Programs (HQPGM)
Subject: Implementation of IIRAIRA Sections 215, 216 and 347
Several sections of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA) provide criminal and administrative penalties for aliens who unlawfully register to vote or vote in certain elections. The purposes of this memorandum is to make field offices aware of these provisions and provide guidance in the implementation of these sections of law. All of these provisions, except Section 347(a) of IIRAIRA, became effective September 30, 1996.
Section 215 of IIRAIRA amends Title 18, section 1015 of the United States Code, making it illegal to knowingly make a false claim to United States citizenship in order to vote in any Federal, State, or local election. This is a felony punishable by a fine or up to five years imprisonment.
Section 216 of IIRAIRA amends Title 18 of the United States Code, by adding section 611, which makes it a criminal violation for any alien to vote in an election for President, Vice President, Presidential elector, Member of the Senate or House of Representatives, Delegate from the District of Columbia or Resident Commissioner. Violation of this section is punishable by a fine or up to one year imprisonment. If a lead is received by a field office which results in an investigation, any positive results should be referred to the United States Attorney's office for prosecution. A declination should be noted in the A-file relating to the alien, and on Forms G-195, Criminal Prosecution Control Card, and G-197, Memorandum for File. If prosecution is declined by the United States Attorney's Office, referral to the local District Attorney may be considered.
Effective April 1, 1997, Section 347(a) of IIRAIRA amended section 212(a)(10) of the INA by adding a new subparagraph (D), which provides that "Any alien who has voted in violation of any Federal, State or local constitutional provision, statute, ordinance, or regulation is excludable." Section 347(b) of IIRAIRA amended Section 241(a) (prior to its redesignation as Section 237(a) of the INA by adding a new paragraph, (6), which provides that "any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance or regulation is deportable." This amendment became effective on September 30, 1996. These new provisions apply to unlawful voting occurring before, on, or after the enactment. A conviction for unlawful voting is not required. Approved sample allegations are attached in 237(a)(6).
As voting procedures and laws vary significantly from state to state, the Service has concluded that it is inappropriate to formulate a national standard for evidence gathering in order to pursue prosecution or removal based on an alien registering to vote or voting in the United States. When a district office receives information that an alien has voted in violation of a Federal, State, or local law, or has falsely claimed to be a United States citizen in order to register to vote, field agents should coordinate their investigation with the United States Attorney's Office (for violation of Section 215 and 216) and District Counsel (for violation of Section 347). This will facilitate an assessment of the local voting procedures, and a determination as to the likelihood of a successful prosecution and/or removal proceeding. If an alien has acquired citizenship through naturalization subsequent to voting, it is required that revocation be pursued in the appropriate venue. A breakdown of voting procedures by state, issued by the Federal Election Commission in 1992 (and the most recent available) is attached as a general reference.
Field offices that receive a lead or referral regarding potential voting violations should be cognizant of Section 642 of IIRAIRA, which requires the Service to respond to requests from any federal, state or local agency to verify the immigration status of an individual.
Any questions should be directed to Elizabeth Dolan, HQINV, at (202) 514-1189.

8/2/2006

Paul W. Virtue
Acting Executive Associate Commissioner

The CHAIRMAN. But I'm sure that as we ask questions, you will have time to express more of your thoughts. I'm going to get back to you on that.

Ms. WALKER. Thank you.
The CHAIRMAN. Mr. Yazzi.

STATEMENT OF KIMMETH YAZZI, REPRESENTATIVE, NAVAJO NATION

Mr. YAZZI. Good afternoon. Thank you for letting me testify before this hearing.

First of all, Native Americans, they have been here for a while. We've been here for a while. And—but it wasn't until 1924 that we were granted citizenship by the United States. And then, in 1948, we were granted the right to vote, and we love to vote. We love to vote—the voter turnout percentage for Native Americans has always been high.

And earlier you mentioned something about swing vote. And I believe Native Americans have made the deciding vote in some of the local, state and federal elections.

There are 22 tribes in New Mexico. I'm here on behalf of the Navajo people. The Navajo Reservation extends into six counties up in the northwestern area. And that's who I'm testifying for.

We are talking about immigration issues here, and we are talking, I believe, some about the boundary issues, too. And we have a lot of boundary issues with our nation as well. We have Mexico to the south, we have Texas to the east, Oklahoma to the east, Colorado to the north, Utah, Arizona. Our nation is surrounded by boundaries, and we have a lot of concerns with these boundaries as well, as Native Americans.

As far as IDs, our tribe, there's only a few people, a few—maybe a little over half that have IDs, pictorial IDs. We have tribal identifications, but they're not—they don't have pictures on them. They only have limited information on them, like tribal census numbers, what day we were born, where we were born. Sometimes it has the tribes that we were born into.

The Navajo Nation is generally a rural area. We do not have streets. We do not have addresses where the residential addresses can be identified by numbers or streets. We live in rural areas. Our rural—our addresses are identified by physical boundaries, physical locations, chapter houses, highways, intersections, so many miles from here, so many miles from there. And sometimes they laugh about us. They say, "Indians live in post office boxes." That's mainly what our addresses are.

But one thing that we have for sure is, we have the right to vote. As Native Americans, we love that right. As a matter of fact, I'm sitting before you, I'm registered in two locations. I'm registered for the Navajo Nation elections. We elect our president, we elect our vice president, our Navajo Nation Council, school board, land board, farm board, all these people that represent us in the tribal government. But I also am a registered member of the United States government. So I also vote for the United States president, the senators, the congressmen. So we kind of feel like we are two people, because we can vote in two places.

And then this voter identification issue has—it's going to limit our nation because of some of the stats that I'm going to give you, okay.

Thirty-three percent of our Navajo people, we don't have plumbing. Sixty-two percent do not have telephones. Twenty percent do not have access to vehicles. Fifty-six percent of our Navajo people do not have modern heating. We have to chop woods and bring it up and build a fire in the stove. That doesn't mean that we want all these modern things. I think we are satisfied with what we have.

But this is where voter identification—we don't—a lot of the Navajos, they don't—they don't have bills that they are sent to. They don't have electric—telephone bills. They don't have electricity bills. They don't have heating bills. And if a telephone bill goes to a location, to an individual's house, there might be five, six people living in that household, and the bills only go to one individual.

So, in Arizona, we are dealing with Proposition 200, and those are some of the issues that come up there, where they want us to present two bills, like a telephone or a utility bill. But because only one individual in the household receives the bills, other people cannot use the same ones.

One thing that I think about personally, when the subject of immigration comes up, the subject of illegal voting comes up, illegal voter registration, and just like the other industries, like the liquor industry or the cigarette industry, we should go after the administrators, the people that provide—the top people instead of the voters, instead of the consumers.

And for voter registration, that's what I feel, we should—we should—the county clerks, the county officials, the state officials, those are the people that should make it easier for people to vote. We shouldn't have to put the burden on the voters at the grass root—grass root level to provide identity so they can vote. So that's one of the things that I just wanted to say.

But we're willing to work with whomever on these issues.

Thank you.

The CHAIRMAN. Thank you very much.

[The information follows:]

NAVAJO NATION TESTIMONY
COMMITTEE ON HOUSE ADMINISTRATION
AUGUST 3, 2006
VOTER IDENTIFICATION FOR VOTING AT THE POLLS

Native Americans were granted United States citizenship in 1924; however, it was not until 1948 that Native Americans were allowed to vote in New Mexico. Utah and Arizona also prevented Native Americans from voting until 1948. Since the right to vote has been clarified for Native Americans, there have been numerous issues affecting the ability of Navajo voters to participate effectively in the electoral franchise. There are twenty-two Native American Tribes in New Mexico. The Navajo Reservation extends into three states; the New Mexico portion alone includes parts of six (6) counties. As a result, the Nation spends many hours trying to educate the Nation's members about voting procedures and voting issues.

In 2004, Arizona voters adopted Proposition 200, the *Arizona Taxpayer and Citizen Protection Act*. Proposition 200 changes the process for obtaining a ballot at the polls to require an elector to provide either a photo identification with an individual's name and address or two other forms of identification with an individual's name and address. Because the new identification requirements for voting at the polls are so demanding to the Navajo people, the County recorders and other organizations are encouraging voters to request early ballots in order to avoid the voter identification requirements at the polls.

The Navajo Nation is concerned with the application of voter identification requirements to Navajo voters. The implementation of the voter identification requirement in Arizona provides us with evidence of the impact of voter identification requirements on Navajo voters. First, not all Navajo voters have the required identification documents as provided in the voter identification requirements of the Arizona Revised Statutes. The statute requires that an elector provide "one form of identification that bears the name, address, and photograph of the elector or two different forms of identification that bear the name and address of the elector." For numerous reasons, Navajo Nation members may not have photo identification. The Navajo Nation does not issue tribal identification cards. Other forms of identification without photographs are not common. An individual's "address" on a reservation is not specifically described by a street number, rural route number, lot and block, or metes and bounds. Addresses typically describe the location of a residence by distance from a landmark, such as a Chapter House. The same address can appear in several different formats that may make comparison difficult.

Second, although the law does not specify which types of identification are acceptable, the Arizona Secretary of State has developed a list of identifications acceptable for voting at the polls. It is our concern that other states, including Utah and New Mexico, or federal legislation will create the same or similar list to apply to Navajo electors. This requirement would be difficult for many Navajo voters. According to the 2000 Census, 33% of the housing units lack complete plumbing, 62% lack telephone service, and at least 20% of homes on the Reservation lack access to a vehicle. Over 56% of Navajo households are heated by wood and traditional Navajos living in hogans do not have

electricity and do not receive utility bills. Even if a household has a utility bill, that bill will be issued in one person's name. These facts illustrate the problems that the Nation's members will have in providing identification for voting.

Finally, Navajos are at a particular disadvantage with regards to voting options. Navajos turn out at higher rates at the polls than other voters. For example, in Coconino County, 90% of the Navajo Reservation precincts voted at the polls, while only 64% of the non-reservation precincts in that county voted at the polls. Under Section 203 of the Voting Rights Act, Navajo language speakers are entitled to official translation assistance. This type of assistance can only occur at the polls. While other voters may participate in early ballot processes, Navajo voters are less likely to vote early because many Navajos require translation assistance at the polls on Election Day in order to cast their ballots.

Because of the need for official language assistance, the lack of utilities available to Navajo Nation members, and the likelihood that a Navajo Nation member will not possess the required identification, the Navajo Nation believes that requiring identification for voting will impact the ability of Navajo voters to participate in elections and serve as a barrier to those electors who wish to participate in the electoral franchise. For these reasons, the Navajo Nation objects to the expansion of voter identification requirements to other states.

The CHAIRMAN. Ms. Hensley.

**STATEMENT OF JENNIFER HENSLEY, LEGAL RIGHTS
ADVOCATE, NEW MEXICO PROTECTION AND ADVOCACY**

Ms. HENSLEY. Good morning. Thank you for allowing me to testify.

My name is Jennifer Hensley. I'm a legal rights advocate for New Mexico Protection and Advocacy. New Mexico Protection and Advocacy, it was founded in New Mexico in 1979. We are a private non-profit agency that works with—to expand, promote and protect the legal rights of individuals with disabilities.

My testimony this morning is based on our 26 years of working with thousands of individuals with disabilities and most recently, over the last few years, after the Help America Vote Act. We believe that people with disabilities will be greatly impacted by having to prove citizenship and by having to provide photo ID.

Many people with disabilities have lived in residential placements and do not have access to those type of documents. They may not have obtained them from a family member or may not know how to go about getting those documents.

A passport costs about \$100, and you must figure out how to navigate the system, and it takes a while to apply for those and to receive those.

A photo ID costs \$10—a birth certificate costs \$10 in New Mexico. However, if you weren't born in New Mexico, you have to apply in another state and pay those fees, and you have to figure out how to navigate that system, which many people with disabilities can't do that.

We receive funding from the Administration on Developmental Disabilities under the Department of Health to promote people with disabilities participating in the electoral—in the electoral process. We encourage Congress to remember that people with disabilities already face barriers to voting, such as inaccessible polling places, inaccessible voting machines, lack of access to transportation. We believe that these provisions would cause significant hardships to individuals that live on fixed incomes.

We also believe that imposing such a process that requires people to pay a fee to vote is tantamount to a poll tax, which our American—our modern society has rejected.

We also encourage the committee to remember that not all people live like congressmen—congress people and our friends or our neighbors; that while some of us may have driver's licenses and a few may have passports, lack of those documents should not—should not prevent people from being able to vote.

All Americans have the right to vote and want to do so. We encourage the Congress to not put barriers, to remove the barriers.

Again, please remember that all Americans have the right to vote, regardless of the circumstances that they live in, and imposing such a process will leave these people behind and again create barriers.

Again, thank you for allowing me to testify this morning. And welcome to Las Cruces.

The CHAIRMAN. Thank you very much for your testimony.

[The statement of Ms. Hensley follows:]

U.S. House of Representatives
Committee on House Administration
Field Hearing August 3, 2006
Las Cruces, New Mexico

TESTIMONY OF JAMES JACKSON
Executive Director, Protection and Advocacy System
1720 Louisiana NE, Suite 204, Albuquerque, NM 87110
500 South Main Street, Suite 939, Las Cruces, NM 88001

Protection and Advocacy System is a private, non-profit organization founded in New Mexico in 1979. The agency's mission is to protect, promote and expand the civil and legal rights of persons with disabilities. Protection and Advocacy System is the designated protection and advocacy program for the state of New Mexico pursuant to the federal Developmental Disabilities Assistance and Bill of Rights Act and other federal statutes. Under the provisions of the Help America Vote Act, Protection and Advocacy System receives a small grant from the Administration on Developmental Disabilities in the Department of Health and Human Services to assist voters and registrants with disabilities to exercise and protect their right to vote. Protection and Advocacy System's testimony is based on its general experience in representing thousands of individuals with disabilities over the past 26 years as well as experience over the past few years in dealing specifically with the provisions of HAVA as well as state election law.

We appreciate the opportunity to provide testimony at the Committee's Field Hearing in Las Cruces. It is our understanding that the purpose of the hearing is to consider the implications of proposed legislation that would require documentation of citizenship and photo ID in order to register and vote in federal elections. Protection and Advocacy System believes that such provisions, if enacted, would have a detrimental impact on persons with disabilities and other vulnerable populations and would limit the participation of eligible voters in state as well as federal elections.

Citizenship Documentation

We are not aware of any evidence or even anecdotal information that persons who are not American citizens have been voting in federal elections in New Mexico. Our staff have worked with county clerks throughout the state as well as the Secretary of State in our HAVA-related activities and we have not heard concerns in this area from them. It has been our experience that undocumented individuals are very reluctant to bring attention to themselves or risk exposure of their status as would be the case in registering and voting in elections.

Although we concede that there may be the occasional anomalous case of which we are unaware, we believe that the incremental benefit of attempting to assure the citizenship of all voters through a documentation requirement would be far outweighed by the very likely reduction in participation in the registration and voting process of Americans who are fully qualified and eligible to vote and who currently cast ballots in our elections.

The simple fact is that many U.S. citizens do not currently possess a U.S. passport or an original or certified copy of a birth certificate. They may never have obtained one themselves or from their parents, or they may have been lost or destroyed through the years. It is not unusual for this to be the case with adults with disabilities, especially those who have been in residential placements other than their family homes.

Requiring individuals to present such documentation in order to register for the first time or to maintain their current registration will impose a significant hardship in both time and money to the large number of persons with a disability who are on fixed incomes or otherwise low income. Passports cost nearly \$100 and take considerable time to apply for and receive. There is a \$10 fee to obtain a certified copy of a New Mexico birth certificate. Since many residents of this state were born elsewhere, they would face the fees charged by the state of their birth as well as the task of sorting out how and where to apply. Imposing a registration process that requires a citizen to pay a fee would have the same effect as a poll tax, a practice from America's past that has been soundly and appropriately rejected by modern society.

Moreover, in a poor low-income state like New Mexico, some citizens – for example, some elderly disabled people – were born in remote rural areas and there is no readily accessible documentation of their birth. A significant percentage of such persons are Hispanic or Native American. Documentation requirements have the potential of completely disenfranchising such citizens.

We bring to the Committee's attention that in the Deficit Reduction Act of 2005, Congress imposed a citizenship documentation requirement for Medicaid eligibility. Similar dire consequences were widely predicted, much of which will be averted only because the Center for Medicare and Medicaid Services recognized these likely consequences and provided an exemption from the requirement for all persons who receive Medicaid based on their disability (as reflected in their receipt of Supplemental Security Income benefits) and for all persons who are eligible for both Medicaid and Medicare (typically very low income persons who are either elderly or disabled). No such exemption was provided for in the statute but we appreciate CMS's acknowledgement of the problem and we encourage the Committee to recognize it as well.

Finally, we note that requiring passports or birth certificates in order to register to vote will effectively end the practice of voter registration drives. Since virtually no one carries such documents on their person on a routine basis, the opportunity to register to vote at booths in public places such as grocery stores, shopping malls, and other popular locations will become a thing of the past. Moreover, it will severely limit the effectiveness of the voter registration processes established under the federal "Motor Voter" Act, which requires that state agencies such as Motor Vehicle agencies offer voter registration at the time of renewing driver's licenses or automobile registrations – processes that generally do not require proof of citizenship. Discouraging registration of eligible voters may not be the intent of the sponsor of the legislation being considered but it is clearly one of the predictable outcomes.

Voter Identification

The Help America Vote Act - HAVA – already requires that first-time voter registrants present some form of identification. In addition, New Mexico has a newly adopted voter identification law that requires individuals to present some form of ID at polling places in order to vote. At the time that this law was passed, there were only a few anecdotes suggesting that there were actual cases in which someone had impersonated a registered voter in order to cast a ballot in his or her place.

Fortunately, these laws provide significant flexibility in terms of the nature of the required identification, and specifically do not require photo identification. This flexibility in documentation is important because many adults with disabilities do not have driver's licenses and some also lack other photo ID. Nearly all of these adults are either current voters or are eligible to register and vote. Imposing a requirement for photo ID at polling places will create many of the same problems and impediments to legitimate voting as noted above.

The Federal Elections Commission noted in its 1997 report to Congress that photo identification entails major expenses, both initially and in maintenance, and presents an undue and potentially discriminatory burden on citizens in exercising their basic right to vote. Most in persons with disabilities are on set incomes and cannot afford the extra expense to acquire or maintain the required documentation.

Conclusion

A relatively low percentage of American citizens eligible to vote actually register to vote, and a relatively low percentage of registered voters actually cast ballots in the most recent federal election. We believe that Congress should be making it easier, rather than harder, to participate in elections.

More specifically, we bring to the Committee's attention that persons with disabilities already face barriers to participating in the electoral process, such as polling places that have not been accessible, voting machines that are not accessible, or other barriers such as a lack of accessible public transportation. While HAVA is improving this situation, we believe that Congress should be eliminating these and other barriers and not creating new ones such as citizenship documentation and photo ID requirements that will leave some of these citizens behind.

Finally, we encourage the Committee not to assume that all Americans lead the same lives as Congressmen or even our friends and neighbors. The fact that most of us have driver's licenses and some of us have passports does not mean that all American citizens have such documents or ready access to them. All American citizens have the right to vote, regardless of how they lead their lives and whether they have such documents, and that right should not be limited through laws based on faulty assumptions.

The CHAIRMAN. And I certainly agree with your concerns about anyone with any disability being able to vote, and that's why in the Help America Vote Act, we specifically made provision that every state and every locality has to provide access for anyone with any disability. That doesn't solve all the problems, but it solves part of them.

Thank you all for your testimony. It was excellent. And I really appreciate it. It gave me some new insight into it.

I have one question, just a quick question right off. Ms. Walker, you referred to this and also Ms. Hensley, the difficulty of getting a photo ID or the expense. In Michigan—and I thought most states did this now—you can get a photo ID from the Secretary of State, even if you don't get a driver's license. You just go down there and get it. I'm not even sure there is a fee. For a while there was a \$1 fee. I'm not sure it's anything now.

Do they have anything equivalent to that in New Mexico, that you just go down to the driver's license agency and get your picture taken and get a photo ID?

Ms. HENSLEY. You must pay for it.

The CHAIRMAN. Yes, Ms. Walker.

Ms. WALKER. I'm sorry. If I may.

From the—from the perspective of getting a photo ID, I wonder how you are dealing with the issue of fraud, because if you go and just get a photograph and put Jane Doe's name next to that photograph, how does that establish that Jane Doe is indeed the person in that picture. I just don't really see—if we are dealing with the fundamental issue of establishing identity, that doesn't cut it.

And in addition to that, in the—let's take the laser visa, border crossing card perspective in immigration. That's what we have—a vast majority of Mexican nationals coming across to visit family, shop, have in order to enter the United States. But if there's a problem—and they try to secure the document by tying a finger-print to that card. And at least that's what you have with that laser visa.

Unfortunately, Congress has not seen fit nor has industry seemed to be able to accomplish utilizing the biometrics scanning capacity of that card. But it was a good effort.

So what I'm concerned about for the disabled, just making it down to the store to even get the photo ID is a big deal. And somehow, someone has to think it all through.

The CHAIRMAN. I recognize that.

Ms. WALKER. Yes, sir.

The CHAIRMAN. And I'm sure there are ways to deal with that, too. We do it in Michigan.

I want to ask some things specific to New Mexico. There is some litigation that occurred here before the 2004 election. It required first-time voters who registered by mail to produce some sort of ID before voting. The intent was to ensure registrants who did not register in person with an election official would have to produce some ID before voting.

The Secretary of State, as I understand it, interpreted this to not apply to first-time registrants whose registration forms were hand-delivered instead of being mailed. So for those 527 groups that were doing these registration drives—and you have testified, I be-

lieve. Ms. Perea singled out that as one of the problems—if they mailed the forms in, an ID would have been required. If they hand-delivered them, no ID required. And a court has sustained the approach.

Is that policy still in effect at this time, or has this been resolved? I just want to get up to date on this issue.

Perhaps, Mr. Bryant, since you are an attorney, maybe you can clarify that.

Mr. BRYANT. Mr. Chairman, the issue stands exactly as you framed it today, just like it was in 2004. And some form of ID was required for mail-in but not for walk-in registrations. In fact, it got to the point where one or more individuals could bring in stacks of several hundred registrations all at once, and because they were hand-delivered, they were simply dropped on the counter and into the clerk's office they went for processing.

The CHAIRMAN. Any other comments on that? Anyone else.

Mr. BRYANT. Can I address the photo ID and DMV issue for just a moment.

The CHAIRMAN. Yes, you may.

Mr. BRYANT. There is a process in New Mexico for obtaining a photo ID through the local DMV offices. Historically, it was quite a problem, but in more recent years, the department has opened storefront locations, desk-type or kiosk-type locations in shopping areas. There is an identification requirement and a proof-of-age requirement in the statute for that photo ID, because if you are under 21 in New Mexico, your photo is taken on a profile and that way somebody who serves alcohol knows immediately, by seeing a profile photograph, that you are not old enough to buy alcohol, and then full-face photos for people over 21.

And so certain aspects of Ms. Walker's concerns about verifying the ID are, in fact, addressed in the process. Although I'm not trying to assert that it's perfect or that it is easy enough so that every single person can do that. It has been streamlined, and the system has been improved dramatically, especially in the last several years.

The CHAIRMAN. Is there a charge for those?

Mr. BRYANT. There is a small fee in New Mexico for those photo IDs, yes, sir.

Ms. PEREA. May I—

The CHAIRMAN. Ms. Perea.

Ms. PEREA. Mr. Chairman, thank you.

Addressing that issue specifically to the municipality of Albuquerque, in the last election, there was a requirement for a photo ID, and that was provided for free to anybody that didn't have one.

The CHAIRMAN. Okay. Thank you very much. My time has expired.

I am pleased to recognize Ms. Lofgren from California.

Ms. LOFGREN. Thank you, Mr. Chairman.

This has been interesting. And I guess we all bring our own personal experiences to whatever we do. And I've been in Congress now for 11 and a half years, but before that I was on the Board of Supervisors in Santa Clara County, which runs all the elections.

And listening to your testimony, particularly Ms. Perea, it occurs to me that obviously we need to protect the right to vote. But we

are here in a hospital, actually. The first thing the doctors know is that first you do no harm. That's the mission.

And it sounds to me that there is a need for purging of the rolls of dead wood. And that's something that when I was in local government, we did periodically because people die, they move, and you had positive. And so you certainly don't want to put a photo ID requirement that will disenfranchise 400,000 Navajo Americans, when the county government could just purge the rolls. I mean, you want to make sure that first we do no harm.

I'll just give a suggestion, for what it's worth, as well, in California, the election officials—not that we're so perfect. But there, it's completely non-party—it's more than non-partisan, it's civil service. All the election officials are not—I mean, they're not—most of them are voter registered "decline to state" because they don't want any suspicion. But for example, the registrar on voters in our county is a civil servant. And so the elected officials and the parties have absolutely nothing to do with it.

And I think there's never been an instance such as you've described where, you know, people grab the ballot boxes with bolt cutters. And I would note that a photo ID would not have anything to do with the bolt cutters.

I just want suggest that for people to think about later, my comment here today, because it served us, I think, pretty well.

I would like to follow up, Ms. Walker, because your time ran out. And it's something, before I was in county government, I was an immigration lawyer and I used to teach immigration law. And my experience in that is—is and really as a member of the Immigration Subcommittee and the Judiciary Committee, is that people who come here illegally primarily come here to get a job, I mean, for money. They don't—they're not sneaking across the border to vote. I mean, they're sneaking across the border for money.

[Applause.]

Ms. LOFGREN. There will be no clapping allowed.

And for people—it's very tough to get your legal permanent residence. There's a lot of paperwork and time involved and the like.

And at least, in my experience, you would never jeopardize the years it would take to get your legal permanent residence, I mean, to vote. I mean, if you knew that you could be deported, permanently barred from the United States, and also could serve five years in prison, you wouldn't want to do that to vote.

Can you address the legal issues relative—I mean, has that been in your experience, or am I just unique in that?

Ms. WALKER. The only way I can think of a legal permanent resident, who in some cases has waited more than 15 years to acquire that status, depending upon what country or nationality and visa availability, no one, after waiting that long, is hoping to be forced to return to their home country. And I think there is a fundamental problem, even within the U.S. public, of thinking that citizenship is somehow the same as legal permanent residence and legal permanent residents being given documentation, to say, "Go ahead and—you know, here's the voting information." And people do not appreciate that you're basically handing them a death warrant when you give that general pleasant information to them.

So I think an educational memoranda could be easily provided at time of voter registration to try to allay that problem.

Ms. LOFGREN. I'd like to just follow up with Mr. Yazzi. Your description of your home was something. Some day I would like to visit. I mean, I've never really been to such a place. It sounds so remote and so rural.

I'm thinking, as we talked about, you know, marching down to the DMV to get a photo ID, how feasible would that be from your home in Navajo land?

Mr. YAZZI. Thank you for your question.

The border towns that surround the reservations are quite a distance away. I'm lucky, I live like 15 minutes from Gallup, New Mexico. But we have remote locations that are maybe 100, 150 miles from the nearest—the nearest town, such as Farmington or Gallup or, in Arizona, like Flagstaff. It takes quite an undertaking.

And then, with all the requirements, which is why we don't—a lot of our Navajos do not—some of them have never even driven vehicles. Our elderly people have never had IDs.

And it's not—you know, a lot of people may think that we probably need it. But when you talk to our elderly people, when you talk to the rural Navajos, they're satisfied with where they're at. They're satisfied with the way they live.

And voting, in the Navajo Nation, we treat it like a celebration. We changed our Navajo Nation general election to coincide with the national election, and our tribe gives our employees the day off to go vote. And they treat it like a—they treat it like a holiday. That's where people gather to talk. They campaign. We do—you don't see anyone slinging over there. You see all these food camps where people go to eat. They catch up on their lives from last year or whatever. But it is treated like a celebration.

And—but the ideas of the IDs, I don't think a lot of our Navajos, they're not used to that.

As a matter of fact, I was just—I e-mailed one of your staff members. Native Americans believe—generally believe that if you take a picture of somebody, you take their soul and their spirit. You take that away from them, part of it. That's why they don't like to take pictures as well.

The CHAIRMAN. The gentlewoman's time has expired.

Mr. Pearce.

Mr. PEARCE. Thank you, Mr. Chairman.

Just a quick comment on Mr. Yazzi's last statement about the belief that taking a picture of someone takes their soul and spirit away. Hollywood gives a great credence to that very thing. Probably no group is more photographed than Hollywood.

Ms. Hensley, I appreciate your advocacy for the handicapped. We—my brother is handicapped and actually sits on the Nationwide Handicap Access Board. So it's an issue that I'm very engaged in and have national hearings on access into national parks.

If—and you present some credible objections here, but they all appear to be solvable. If we cure the problem of the cost, if we cure the problem of navigating—and keep in mind, we just signed up 27 million people nationwide, or more, in a very complex Medicare plan. And so we have shown the ability to work complex things through very large groups of people.

If we solve those problems, would you find objection then to photo ID for—and the way it would affect the handicapped?

Ms. HENSLEY. The main thing—we're talking about access.

Mr. PEARCE. Talking about the ID.

Ms. HENSLEY. If we solve those problems, possibly.

Mr. PEARCE. Because we're here—in Washington, we get a sense across the board and we may disenfranchise a few.

Ms. Perea had a stunning presentation on the documentation of the fraud and the articles in the last election. New Mexico did not certify the election for 23 days after the election was over. People from New Mexico were calling me every day. This is a public and national embarrassment for our state.

I personally know, because I was writing down my figures as well as President Bush's, on election day, he was ahead by 31,000. That margin dropped by 26,000 votes, down to 5,000.

In your view, Ms. Perea, would you think that the provisional votes were falling that much in favor of Mr. Kerry? Do you think that there were problems in those 23 days that we failed to certify.

Ms. PEREA. Mr. Chairman and Representative Pearce, I just—I just feel we had so many problems across the board on how we were receiving those votes and certainly on the provisional ballots, that we didn't have the clear instructions. And not having consistent instructions throughout the 33 counties within the state of New Mexico caused an even greater problem.

Mr. PEARCE. Thank you.

Now, Mr. Bryant, in my opening statement, I talked about the county clerk from this county who was indicted and eventually convicted of voter violations. Was the state secretary—the Secretary of State or the director of elections involved in the bringing forth of that case.

Mr. BRYANT. No, sir. It was—that was handled locally by the district attorney's office in Dona Ana County.

Mr. PEARCE. And when invited, did the Secretary of State and Elections Bureau ever become involved.

Mr. BRYANT. No, sir. They did not.

Mr. PEARCE. Mr. Chairman, these are things that I know personally and I bring up—and I appreciate you coming to this particular location, because Ms. Perea's testimony and Mr. Bryant's testimony and Ms. Justine Fox's testimony all tell us the same thing.

Mr. Bryant, one of the ways here in this state that an election fraud occurs is that on election day, you have your poll worker signing people in like—say, at a table like this. And sometimes someone would come in and look over the shoulder and find a blank line, and magically, that person's the next one at the door. It just works over and over in that way. And it was against the law. And so people began to bring up the fact that this is occurring.

Now, in the last—in two legislative sessions ago, I think the legislature changed the law to where it is now legal to come in the door, look over the shoulder and see blank lines. Is that a piece of legislation that was passed by the state legislature and signed by the governor?

Mr. BRYANT. Yes, sir. It is legal.

Mr. PEARCE. It is legal now for a worker to come in, look over the shoulder, find blank lines, and then, without any identification, we have potential problems existing.

Mr. BRYANT. And what they are supposed to be doing is looking for their name in the roster. But you can see that for the voter that intends to commit fraud, it's a wide-open door.

And isn't it incredible that things—something as simple as a photo ID would absolutely slam the door on 100 percent of that.

Mr. PEARCE. Now, how many voters—how many voters would not know that they had already voted.

Ms. Justine Fox, were you there when that—that bill was passed? What was the conversation that—how many voters were documented in the hearings at the state legislature of people who didn't know they had voted on that particular day? It's just stunning.

Ms. FOX-YOUNG. Mr. Chairman.

As is typical, there were no voters who weren't aware that they voted.

Mr. PEARCE. Okay.

Ms. FOX-YOUNG. But that's a conversation we often have in Santa Fe.

Mr. PEARCE. Thank you, Mr. Chairman. I know my time's about gone. I'll have a second round, if we have them.

The CHAIRMAN. Thank you very much.

First of all, I would like to pick up on a comment that was made by my colleague from California. I don't think anyone believes that illegal immigrants come here to vote, and I suspect that very few of them would even attempt to vote illegally if they knew the penalties.

My concern, and what is emerging to me from this hearing is not the individuals who do things like that but organizations that are trying in some way or another to subvert an election.

That, incidentally, is my experience across the country in various places where I have been. It's usually not individuals doing something. Although, there was the case of the gentleman in Tennessee who registered his dog and always voted once for himself and once for his dog. They knew about it and they tolerated it. But when he proceeded to register himself and his dog in three different precincts, that was a bit too much, and so he got in trouble.

But by and large, it's organized efforts that I'm concerned about. We have Tammany Hall, we have the Pendergrast Machine, et cetera. That's the issue.

And my concern, in relationship to the illegal immigrants, is that organizations may be using them in a way that could really endanger their status in this country. And so if organizations are, in fact, deliberately looking for people to vote and deliberately or inadvertently registering illegal immigrants, they're really endangering these folks by having them vote.

So I think that's something we have to bear in mind as we try to straighten this out.

Relating again, to the state and the federal government, Representative Fox-Young, you referenced the federal databases that exist that have information on immigrant status. But you also indi-

cated that local election officials have trouble accessing this information.

And I wanted to ask Mr. Bryant, since you have a great deal of experience at the county level, are they experiencing that problem as well, that they are not able to get the information from the federal government that would help them identify who was legally allowed to vote and who was not?

Mr. BRYANT. Yes, sir, they are. But in addition to that, the way the system is set up here in New Mexico, they are, in effect, prohibited from being able to go beyond the voter's assertion that that's me on the voter roll, as I look at the blank line and offer to vote.

The way the system is designed here, each party can have a watcher and challenger at the polling place who can say, "I challenge that voter." When they do that, the precinct officials still don't get to ask for a photo ID, but they get together and they vote amongst themselves, the precinct officials, "Do we let this person vote or do we not?" If the person is, yes, that person votes and the matter is over, and there is no way to review that. If they say no, then the person is allowed to vote on a paper ballot, and that ballot is put in the ballot box for handling during the canvass.

We have a statement from a watcher in a precinct down in Anthony, New Mexico, in the 2004 election, using this process: He saw a van pull up out in front of a polling place, and a number of people climbed out of the van. He went around, and he looked at the license plate on the van, and it was Chihuahua, Mexico. And a bunch of individuals jumped out of the van, and they went in the polling place, they found their blank lines and they voted. And there was no effective way for him to do his job. Again, a simple photo ID would have stopped all of that from occurring.

It's an incredibly simple first step in the process of trying to get some confidence and some vitality, especially here in New Mexico.

The CHAIRMAN. Representative Fox-Young, do you have a comment?

Ms. FOX-YOUNG. Thank you, Mr. Chairman.

If you back up a moment into the registration process and look at those databases and how they might be relevant there, you have the same problem. The burden lies on the voter throughout the registration process in New Mexico.

But we have databases here that could be useful. We have Homeland Security has—and ICE have databases of folks who have overstayed their time in the country. New Mexico Motor Vehicle Department has databases of individuals who have applied for and brought in documents to obtain driver's licenses. But there is no mechanism for our election officials to use those and to verify.

And I think your point that we are looking at a huge problem with the incentives that 527s have to generate, you know, higher and higher registration numbers and get folks to polls, a very vulnerable population, and there is no check. We have the means to do it, but we have no statutory authority to do it.

The CHAIRMAN. One last question. The Real ID Act, which Congress passed, which would solve much of the ID problem, we hope. But it goes into effect in 2008 and will impose new requirements of those seeking ID.

Has New Mexico begun to implement this law?

Ms. FOX-YOUNG. Mr. Chairman, if I may.

New Mexico has begun to discuss it. Certainly, in interim committee meetings this summer, we already are. The Revenue Stabilization Tax Committee discussed it last week, in fact, and has started to put—put things into place. But there has been no substantive movement that I know of, in terms of implementing it.

The CHAIRMAN. All right. Thank you. My time has expired.

I'm pleased to recognize the gentlewoman from California, Ms. Lofgren.

And I'll hand the gavel to you.

Ms. LOFGREN. Thank you, Mr. Chairman.

I—listening to this, and we had actually tried to get a representative from AARP, but our logistics didn't work. But at our last hearing, this is what the AARP said to the House Administration Committee.

They said, "New state laws in implementing rules will significantly limit opportunities to register and/or vote. Many persons who are qualified to vote but do not have ready access to documents, such birth certificates, driver's licenses and passports, that have never been deemed necessary in the past, may lose the fundamental right to vote."

And as I looked into this whole ID testimony about photo IDs, I think there is an assumption that sometimes—and we need to guard against, that everybody is in the same situation as I am, and it's not the case. I think about my dad, who was a truck driver, he never had a passport, and actually less than 20 percent of Americans have passports.

Or I think about nursing home residents. I mean, in the study in Wisconsin, 5 percent or less of nursing home residents had a photo ID. And obviously, if you're in a nursing home, you can't go down to the DMV and get even a free photo ID.

So I think we need to—and my colleague, Mr. Pearce, mentioned the Medicaid situation. And I think actually that's instructive, because we put in the Budget Deficit Reduction Act a proof of citizenship requirement to receive Medicaid. And what we found out, in the hospitals and the nursing homes and the like, basically said there are individuals who are Americans who can't—they can't prove it, but they are Americans. They've worked there all their lives. They've paid their taxes. And now they're in a nursing home. Some of the examples of people who are very elderly, who—they were born at home and didn't have a birth certificate, or they had moved many times and they couldn't—they didn't have their documents with them. And yet, you know, they are the Americans, and you can't.

And if you can't produce a document to save your life, which is basically what we are talking about for Medicaid, I think, you know, certainly that's a more important thing to most Americans than voting. As precious as voting is, living is even more precious than voting.

So I think the fact that we had to actually relieve that requirement for the Medicaid system is quite instructive.

You know, I wanted to talk to you, Ms. Hensley, on some of the issues faced by the disabled community. And obviously, if you don't

see, you don't have a driver's license. If—mobility may not be impaired but it's certainly more difficult if you can't pop in your car.

So even if there were a reduction in fees or the like, how—speaking for yourself and also for others who—who are disabled, how easy would it be to go and get these ID cards?

Ms. HENSLEY. Not easy at all. As you say, most people have driver's licenses but not everybody. And just access, the fact of getting down there for people with disabilities. And in New Mexico, we have a very rural community, where 90 percent of people with disabilities don't have access to transportation. And so it would be very difficult and add another barrier amongst all the other ones that we face regularly.

Ms. LOFGREN. Someone said—I don't remember who—that a large percentage of voters approve these photo ID items.

But I always carry a copy of the U.S. Constitution with me on my person, and when things get slow, I read through it. And the Fourteenth Amendment is really an important one, because it says that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States or which shall deprive any person of life, liberty or property without due process of law and/or deny to any person within its jurisdiction equal protection of the laws. And of course, Article Fifteen provides the rights of citizens of the United States shall not be denied or abridged.

Now, it seems to me—and I would appreciate comment from any of the members—that if those who cannot produce proof of citizenship are disproportionately poor, rural, elderly or disabled, and there are other remedies, for example, challenging and having provisional ballots if one suspects fraud, purging the rolls, how could this voter ID measure meet the requirements?

Before—maybe I should direct that to the two lawyers on the panel.

Ms. WALKER. If I may, in the lawsuit that is currently pending regarding Proposition 200, that indeed is one of the arguments of the ACLU and others bringing that action. And fundamentally, I think you—it is the phrase, You're using a bazooka to deal with something versus the appropriate measure that might actually deal with remedying the situation. I don't see how you can avoid violating the Fourteenth Amendment in those circumstances.

Ms. LOFGREN. Mr. Bryant, you may disagree.

Mr. BRYANT. If we have two lawyers on the panel, there is liable to be a disagreement.

My approach is actually quite the opposite, Representative Lofgren. What we have in New Mexico is, we have an existing abridgement of the right to vote for a vast number of voters here by the current statutory scheme that exists and the lack of ability to guarantee that we know that the voter who is voting is the voter that is supposed to be voting.

I've got a letter from Lois Hart with me today about her mother who is elderly and disabled. The last time her mother was able to vote was in 1996, and she voted absentee because of her health. Since then, she's been too ill to vote. But the poll books in Dona Ana County reflect that Vada Hart has voted in a number of elections since then. And Lois knows it's not her mother. She cares for

her at home. And Lois writes, "This can only mean that someone is stealing her name and casting her vote."

And we have allowed a system to develop, a problem to exist that is abridging Vada Hart's right to vote, it's stealing her right to vote, and it's criminally negligent in New Mexico to continue to do that.

Ms. LOFGREN. If I may, Mr. Bryant, the issue—the question really is whether this lady—and obviously, it's an important issue that she raises—whether the remedy is to disenfranchise 450,000 Navajos that Mr. Yazzi is here to represent.

Mr. BRYANT. And if that were really the result, I would give you a resounding no. But it isn't the result, and it doesn't have to be the result.

What we have to do is, we have to balance the interests of the integrity of the electoral process here in New Mexico with the interest of Mr. Yazzi and the Navajos, New Mexico's Hispanics, our—our entire population.

In the salute to our flag, we call ourselves United Cultures, and we indeed are here.

And I believe absolutely that we can put in place a legitimate, viable voter ID program that includes a photograph so that when I go to the poll, they know it's Dan Bryant that is offering to vote, and do that in a way that does not infringe on our Navajos.

Ms. LOFGREN. I'm about to run out of time. But I'll just say this: I think that we could do that in this circumstance. If, as a matter of policy, the federal government fingerprints every baby and every person in the United States. Goes out to every corner of the country, fingerprints every Native American, fingerprints every nursing home resident and makes sure that there is no exception, that we have biometrics on every person born and who has already resided in the U.S., then you could do that positive ID.

But I don't—I don't see that that's what we are going to do, number two. And I also don't think—I mean, I'm not recommending it. But I don't hear from my constituents in California that that's something they think is a good idea. I mean, they feel that is intrusive, from a private point of view. But there could be a nationwide debate on that point.

Because I—well, I guess my time is over, Mr. Chairman. Thank you for allowing me.

The CHAIRMAN. Thank you. There will be a third round, and you can continue the speech.

Congressman Pearce.

Mr. PEARCE. Thank you, Mr. Chairman.

Mr. Yazzi, I grew up in a very rural part of New Mexico and am familiar with having to give directions to turn right at this sign post, go five miles, and then I'm on the second or third house on the right, depending on which way you count. And so I'm very familiar.

But I am aware that the enhanced 911 system has established streets and house numbers so that the place that I lived that never had an actual street or number now has one, and so I don't know if they've worked their way through your neighborhood yet, but I suspect they are on the way. Because what the idea is, is that we

can GPS coordinate every 911 call so that police can respond immediately, no matter where it is. And that's a right of all Americans.

And so one of the problems that we face in registering and identifying people that you mentioned as a problem would certainly be well within solution.

Mr. Bryant, you heard the suggestion that one of the beginning points is simply the purging of the rolls. Have you been involved in any purging of rolls with counties, or are you familiar with counties that have attempted to purge the rolls here? Give us a little bit of an idea of what the circumstances are when you purge the rolls here in this state.

Mr. BRYANT. Historically, the purge program was run after every biennial election, and it was based on voter activity at the polls. With the adoption of HAVA, the ability of county clerks in New Mexico to purge voter lists was significantly altered and reduced. As a result of that, in terms of purging, we are in significant trouble in New Mexico.

And I can share an example for you right here in Dona Ana County. Mr. Walker, in doing some work for us, he went and took a look at some of the areas here in the city of Las Cruces, because we have lots of apartment complexes because we're a college town. And so we took 19 apartment complexes and we cross-referenced the voter registrations for those complexes. Then we went to the complexes and we asked for lists of current voters. Thirteen out of 19 complexes responded. And out of those 13, we had a total of 1,000 registered voters. Six hundred and sixty of them no longer lived at those addresses.

Now—and I heard the murmuring behind me. I was staggered when Mr. Walker produced those numbers for me.

So the reason I keep saying photo voter ID is an important first—a critical first step is because there are a number of things that need to occur to create true integrity and verifiability here in New Mexico. But I just believe that it is a critical first step. There are other things that need to be done and other pieces of the puzzle we need to fix.

Mr. PEARCE. Thank you.

Ms. Perea, you had—you have by far the most documentation in the hearing today.

Now, did I hear you say that you had complaints and you have documentation from both Democrats and Republicans? In other words, this is not a partisan issue, or is it a partisan issue?

Ms. PEREA. Mr. Chairman and Representative Pearce, it is by no means a partisan. It's a citizen issue. It's a concern of our governor. It's a concern of Senator Domenici. We have quotes up and down on the various individuals that want to do something about the problems that we have in New Mexico.

Mr. PEARCE. So you basically find that all people, regardless of registration, say, "Just give us a fair election, and we, as citizens, will live with the results. But give us a fair election." Is that a fair summary of—

Ms. PEREA. Fair, timely. The timeliness of our elections is critical in the state of New Mexico. Making sure that we have all the administrative checks and balances in place, yes.

Mr. PEARCE. Okay. Ms. Walker, right at the end of the first questioning by Mr. Ehlers, you had made a comment, something about the education. I was being distracted at the moment and did not get that fully.

Could you repeat, if you remember, what you were saying about the way that we could combat this with education of our—of the people who are coming into the country?

Ms. WALKER. Well, I think it's not necessarily, well, registration of just people coming into the country, but it's when you look at a government official. If you come up to a municipality or to a city, and the officer, after you registered for selective service, gives you also a voter registration card, and you're thinking, This must a good thing, I'll go ahead and do it. There are few people that are aware of these provisions in Title 18, who are here legally—legal permanent residents, and don't recognize that this severe consequence will obtain if they go ahead and send that card in, just that simple act.

So I think providing that information at the time of registration would help.

Mr. PEARCE. Would be—you would declare that to be the first significant step, that is, when they come into the nation, just give them some information that this is a fairly serious deal. All Americans take the right—

Ms. WALKER. Right. And then, also, I think that you would buttress that by educating voter registration organizations, that when they are running out there to try to get the vote—

Mr. PEARCE. You bet.

Ms. WALKER [continuing]. That they provide that information as well.

Mr. PEARCE. And I appreciate that.

And again, I think it's the Chairman that mentioned—that someone has mentioned that we are trying to balance all concerns, because again we don't come into these things as a partisan issue. Everybody is representing concerns from their eyes and their viewpoint, and that's what the process is all about.

And just in the last piece of my time, Mr. Chairman, I don't know who would be best to answer, but what do you find, as far as information presented to the people who are coming into the country? Do they get any information, Mr. Bryant or Ms. Perea, Justine Fox-Young, that helps them understand the sanctity of this voting process? And do they get information at the time they register?

Mr. BRYANT. Representative Pearce, the answer to that is no, and the answer is quite the opposite. In many instances, they are encouraged by organizations to go ahead and register to vote.

The point that I would make, with respect to that segment of the issue is this: In New Mexico, because of the way the process works, they are virtually guaranteed that if they do vote, if they do register and they do vote, they will never get caught, because there is absolutely no way for me to prove after the fact that it was, in fact, that person who voted and signed on that line at the poll that day. There's no mechanism in place that would allow that to happen.

And so I don't see the penalties as ever being able to effectively attach, at least not here in New Mexico.

Mr. PEARCE. Thank you, Mr. Chairman.

As I yield back, I would just recommend that you listen closely to Ms. Walker's suggestion. I think that it is a valid one, and provision of information would certainly be a very good step, also.

And just—we are all trying to work our way through a very tight, thorny little issue, and it has a lot to do with the confidence of American people in our system, and I think it's well worth the effort.

But I yield back to you.

The CHAIRMAN. And I thank you.

We'll begin our third round of questions, and I'll follow up basically on the same lines you raised in terms of giving information.

Several of you have raised the issue about 527 groups registering voters. I presume they are not the only ones registering voters. At least in my home state, the Republicans go out and try to register. The Democrats try to register. And a particular candidate may want to increase the registration in a certain area. There are some rules about educating those people who are registering voters.

Are there rules governing that in this state? When you complain about the 527 groups, are these groups actually informing, as Ms. Walker said they should, making sure that they register people who are citizens, or do they just take any name they can get?

Do they have to undergo any training of any sort from the local city clerk or county clerk? And are they allowed to be paid based on the number of registrations they get?

Ms. Fox-Young.

Ms. FOX-YOUNG. Sure. Mr. Chairman, we did make one significant step in the last session in terms of regulating 527s, so to speak, or any—any registering agents. This state used to function, I think, like a lot of states, where you had deputy registrars who had to register—provide personal information with the local authorities or the state before doing so, and we had gotten away from that.

Now that we see so much soft money coming into all the states, particularly the swing states, I think it is still true that the parties engage in significant registration drives and individual candidates do. But the bulk of registrations are coming from the 527 groups because that's where the money is.

So we—we did pass a law in the last session requiring—as part of this election reform bill, requiring 527 agents to register with the Secretary of State. They do not need to undergo any training. They do still pay their agents, and it is still an unbiased process.

And I think as long as you have those incentives there and as long as there are people who want to invest in swing states and get the numbers up, you will continue to see these problems. Although, I think we will be better off now that we know who is doing particular registrations.

But if you look at, for instance, some of the registration cards that I brought in, there is a line—and this was part of the litigation that you brought up over first-time registrants and the HAVA requirement. The court did uphold the Secretary of State's interpretation of that law, as you said.

But anyway, through that litigation, it was impossible for anybody to determine who had actually turned in a registration card. There was no paper trail back to a particular 527, back to the party, back to the candidate, and now there is. And so there is a way, if you want to pull all your cards, to go back now and check.

The CHAIRMAN. All right. Thank you.

Several of you have raised comments and concerns about a photo ID, which is something that Mr. Bryant proposed, or some other way of ensuring, as my colleague from California mentioned, fingerprinting. And we are concerned about the difficulty of access for certain groups, the difficulty of getting it done, the cost. Some of you referred to a poll tax.

Let me ask, if either the state or federal government provided that service at no cost, if they were able—willing to go to the homes of those who could not get out or to the reservations of those who didn't have means of transportation, would you still have an objection to a photo ID?

Ms. Walker.

Ms. WALKER. Just a very fervent comment.

The CHAIRMAN. Yes.

Ms. WALKER. My background is in biometrics and border security, and I've testified three times on the hill on those issues.

And what bothers me the most, in trying to establish the issue of identity in this concept, is that we have just finished trashing the whole idea of using a card with a simplistic photo on it to establish the identity of an individual. The problem is, if it's a fraudulent card and has somebody else's photo on it and I adopt the identity of Jane Doe, it ties to that particular card at the moment.

So that's the reason why we went through the effort of creating a laser visa document, to put the biometrics so that the identity is tied to the body versus tied to a particular photo.

I just wonder at the ability to decrease the current levels of fraud regarding those individuals willing to go out there and create their own documents, what the percentage is and what this really will do regarding the reduction of that type of fraud.

The CHAIRMAN. I'm not sure I quite understand. I understand everything up to the last little bit.

Ms. WALKER. I'm sorry. I get too wrapped up in this. I apologize.

The CHAIRMAN. No, that's fine.

Ms. WALKER. I need to get a life.

The CHAIRMAN. I think there are a number of other people wrapped up in that.

Ms. WALKER. But unwrapping myself from a biometrics role print for a minute and the whole integration and host of dilemmas right now facing the federal government. If I am intending to commit voter fraud and I want to adopt the identity of the dead person who is still on the rolls, I go get the name and I have a photo ID made. Unless you have stringent processes in place regarding verification of ID in some manner before that document is created, then you've created what we call it, as an optical solution. It looks good, but it doesn't really achieve the objective. That's all.

The CHAIRMAN. Okay. When you talked about an "optical placebo," I assumed you meant that.

Ms. WALKER. Yes, sir.

The CHAIRMAN. Now, in Michigan, when we die, we want to be buried in Chicago so we can continue our political involvement after death.

It's the same problem. But there are ways of dealing with it. The biometrics is one way, and there are various biometrics. And I just met last week with a company that makes a card that is very, very difficult to, in any way, reproduce or to falsely identify someone.

So there are solutions, if we would do that.

Ms. WALKER. Right.

The CHAIRMAN. And that is expensive.

Ms. WALKER. Yes, sir. It's just how far up the chain you're willing to go.

The CHAIRMAN. Yes. Right. But if we did that, then is your objection removed?

Ms. WALKER. If I have an actual card that deals with identity documentation, then I don't have an objection that—it's a good idea to be able to say Joe Blow is indeed Joe Blow. But if I'm just creating a card that doesn't really have that basis, then, no, it seems to be a wasted effort.

The CHAIRMAN. And that's part of the Real ID cards that I'm not really satisfied in that legislation.

Would anyone else wish to comment on that? Mr. Yazzi.

Mr. YAZZI. Thank you for giving me time to comment.

As far as the voter ID, in Arizona, we are dealing with Proposition 200, and that was initiated by the voters of Arizona.

The CHAIRMAN. Right.

Mr. YAZZI. And our Navajo Nation is starting to feel the drastic effects of Proposition 200 immediately, because if a Navajo doesn't provide the proper voter identification, they are going to get a provisional ballot, and they're going to be asked to provide the proper ID within a certain amount of days. And with the county offices being so far from the rural area of the Navajo Nation, they are not going to want to go back to the county offices within five days to provide the proper ID for one vote.

That's where the issues that are on the ballot, the people that are on the ballot that they voted for, their votes are not going to count for that particular election. And we are talking about November—September's Arizona primary. November's their general election.

The CHAIRMAN. Right.

Mr. YAZZI. So, you know, it's going to have drastic effects immediately.

And there is other ways that we have been suggesting, like only—the only people that can vote is registered voters, right? So why can't we provide voter identification when they register instead of at the polls? See, those are some of the suggestions that we have.

And one thing that I'm here to say is, whatever way this goes, whichever avenue you take, we are willing to work with people on this. We are willing to work with the counties, the states, the federal. But we just need you guys to recognize that Native Americans have an issue with this, with photo identification.

The CHAIRMAN. And I totally agree with that. And my point is simply that if we are serious about doing it, then we have to face

the fact that it is going to be expensive, because to provide proper registration and identification procedures is not cheap.

And I'm sure, Ms. Walker, you are aware of the cost of that, too. I think we all have to recognize that.

In many cases, it's relatively easy. But part of what we're going through is a result of the fact that over the past quarter century and maybe half century, this country has become exceedingly mobile, and we've ended up—most of us have ended up living in larger cities.

There was no problem when I was a child. The town clerk knew everyone in the town personally, and so they didn't need ID. The world has changed.

And those who wish to use nefarious means to influence elections are taking advantage of that and trying to work their will. And I'm not throwing stones at anyone here, but it happens. I've seen it happen.

And I've seen it happen in senior citizen homes, where someone will go in with a sheet of absentee ballots and come out with those absentee ballots completed and turn them in.

I mean, it's everywhere. So it's not as widespread as it could be. But I certainly want to make sure we try to stop it where we can.

I would also just want to notice, we will certainly, whatever we do, try to avoid the poll tax issue. I don't think that's a real problem.

Yes, Ms. Perea.

Ms. PEREA. Mr. Chairman, on that point, as far as the cost was concerned, I would just like to point out that in New Mexico, because of the legislative action that we had last year, there was a million dollars that was spent to give identification cards to the voters of New Mexico, only to be told that they didn't need them when they went to the polls because they were incorrect and there were many errors.

And there had been the purging of the numbers of the voters in 2005. But there was still 60,000 of those cards that were out there that were not valid voter ID cards. And if I may, this is a copy of those cards. And yet, we had the Secretary of State go up on TV saying, "Oh, don't worry about it if you didn't get it, because you really don't need it to vote."

And as long as we have those Band-Aid approaches, we continue to spend a million dollars or more on things that are not resolving the problem in the state of New Mexico.

Thank you.

The CHAIRMAN. Thank you.

My time has more than expired.

Do you have a question?

Ms. LOFGREN. Yes, Mr. Chairman.

I think there are a couple of—at least two issues about the photo ID. One really is about the ID itself. And it's worth noting that it's actually not that hard to get a photo ID, if you want one. I mean, the 9/11 terrorists had 63 photo IDs. I don't think they had them to vote, but I mean, they were able to obtain them. The other issue is, what documents do you need in order to get the photo ID?

In Mr. Hyde's legislation that actually was the subject of the hearing on the hill provides for various—well, provides for proof—

positive proof of U.S. citizenship, which is not necessarily always available even for people—especially for people who are elderly.

So I guess the question about current IDs—

Let me ask you this: Representative Fox-Young, it sounds like you have done some—in the legislature, some analysis and study of this. One of the Wisconsin studies that I referenced earlier, that is part of our record that was inserted from a prior hearing, indicated that a small percentage of students actually had a driver's license that had their current address when they registered in college, as they are free to do, and that a substantial number of married women—newly married women had driver's licenses with their maiden names, not their current names, and that, as I mentioned earlier, a very small percentage of nursing home residents actually had driver's licenses.

Did you—did the legislature look at what percentages of, for example, students and married women? What the case is here in New Mexico?

Ms. FOX-YOUNG. Representative Lofgren, we—I can't tell you off-hand what the exact percentages are. I can tell you I have a lot of difficulty with my name everywhere I go, and there are many variations of it.

But we did look at issues surrounding Native Americans, homeless, students, people whose names have changed, people who have moved, and were able to work out—in the final bill, we didn't pass all of those exemptions, and I don't think we really got an ID bill out that had real teeth. You know, you end up with ID; if not ID, then, you know, a written statement; if not that, then an oral.

But we did look at those issues and we found ways around all of them. I mean—

Ms. LOFGREN. If I may, one of the witnesses that we had in our last—he was just a fabulous—I mentioned him earlier, the law professor at George Washington—made a point—and he has a book actually out on it that I think is so important—which is that we need to legislate based on statistics and analysis rather than legislate on anecdotes.

And because—for every—there should be no voter fraud. Nobody is for voter fraud. I mean, that's 100 percent, every single person in this room.

But if you prevent one person from committing voter fraud, but in doing so disadvantage 1,000 people from—who are Americans from voting, then that's the wrong parameter. I mean, that's why we need the statistical analysis.

Let me ask—I know we are supposed to be out of here at 11:00.

Getting to the other issue, which is the documentation to get the ID, Mr. Yazzi, how many of the people in Navajo—the Navajo Nation have birth certificates that they could provide to—as an underlying document to get an ID that would comply with Mr. Hyde's bill? Do you know that?

Mr. YAZZI. Thank you for your question.

Not right off, but we have—we have people that do not have birth certificates. And I'm 45 years old. And even some people in their 30s are born at home that don't have birth certificates.

My first son, he's in the United States Navy, he was born at home, and he was born in 1982. And we had a problem with not

getting his birth certificate because they wanted Arizona to issue it and Arizona wanted New Mexico to issue it. He was born in New Mexico. But we finally were able to get it, but we had a problem getting it.

But there are a lot of people. My mom doesn't have a birth certificate at all because she was born at home.

Ms. LOFGREN. Thank you.

I—you know, although I think we have some disagreements on the panel, this actually, I think, has produced some useful—a useful piece of information that we might be able to do something with, which is—has been referenced before, which is about voter education.

And a lot of people may not realize—and this came out actually in the California contest with Mr. Dornan. There were seven people who had passed their citizenship test but had not yet taken the oath. And they voted because they thought they legally could, but they couldn't. They couldn't legally vote because they hadn't yet taken the oath. So it wasn't an intent to defraud, but it was an education problem.

If you are in the United States military, if you're in Iraq but you're a legal permanent resident, you still can't vote. And so we are going to reach out to our—our servicemen fighting in Iraq so they can vote. But we need to make sure that the servicemen who aren't yet citizens don't—don't vote.

So a lot of this is information—and I think we can all agree that that kind of information would be a helpful thing, in addition to the purging. I just note, again, from my—my experience in local government what we did and still do.

And it saves the county money, actually. You would think it wouldn't. We sent out postcards and—to the residents and—periodically. And we do it three times. And if after three times, they don't send it back, then we purge it. And we make it up in postage, because then you get the people who've moved, and it really—it works pretty well for us. So I'll just throw it out for what it's worth.

Thank you, Mr. Chairman, for the opportunity to question.

The CHAIRMAN. Thank you for your comments.

As a former resident of California, I received those communications. And I think California may be one of the few states that does that. I personally found it extremely useful to get those communications in the mail regarding what was to be voted on and so forth. And every state, I would hope, would aspire to do that.

Representative Pearce.

Mr. PEARCE. Thank you, Mr. Chairman.

Again, appreciate the hearing and appreciate the opportunity to be here and be a part of the panel.

This is not technically an immigration hearing, but there's been enough things come up that I would like to—Mr. Chairman, you are little bit closer to leadership than I am, a little bit closer to the top of the heap than what I am as a second-terminer.

But if you would remind the House—my concerns with the House passed a bill that caused my vote against it. I think, if you would remind them that there were three things that were problematic, one, holding employers accountable for understanding and verifying the documents with which they hire people, both Social

Security or green cards or whatever. And we understand the counterfeits that are available. And as an employer, myself, I know that it is very difficult. That was problematic.

The provision of making all illegal immigrants felons was a very difficult provision, that actually Chairman Sensenbrenner tried to amend out on the floor and had very few Democrat supports. I'm not sure if they didn't understand that he was trying to—he recognized he had made a mistake and tried to get that out of the bill. We had visited with him as the bill went to the floor, and so he was trying to get it out.

And finally, the issue of making people responsible—they were trying to get the "coyotes" to be penalized and instead stated it broadly enough that all people that helped illegals would be criminals. And I've got members and people who live in this district who want to follow the law very closely, but they still tell me—they live on the border, and they tell me they set water and food out because that's a human condition, and the people coming across the desert often just have been there for days, sometimes dragging kids.

And those three provisions, if you move forward, I would appreciate, if we do anything on immigration, if you would remind the leadership about those.

The—I've got a brief thing here, again, to express my concern. I've got a breakdown of the elections of 2004 in this county. It's not districtwide or it's not statewide. But in this county, 922 votes were cast above the number of certified signatures.

On election day, it was a very close vote in this county, with the Democrat lead being at 4.8 percent of the early vote. It swung a little bit on election day, increased to 8 percent. But when we look at the absentee and provisional ballots, 27 percent of absentee and 37 percent of the provisionals came out. So fully, the differential between that and election day was very dramatic.

Again, if you looked at other voting patterns on that election day, if you looked at the nine propositions, actually the vote was very close. If you didn't find the absentee provisional ballots to swing that hard one way or the other.

On election day, for the President—the President—President Bush actually was a little bit ahead in the early vote by 44 votes. He was a little behind on election day by 404. But when the absentees were counted up, President Bush lost 2,043 votes here, in the absentee. Again, the differentials—the spread on election day with the present voting and the early vote was very, very nominal. But we see a 27.5 percent spread on the absentees.

Same thing happened on my election. I was ahead by 1741 votes on election day and with the early vote. But then, when we talked about the absentees, I actually—that 1700-vote spread was pulled down to only 1600—or only to 67 votes.

And again, you just have to—you have to see problems in the solution.

Mr. Chairman, I want to compliment you on this panel. I think that with the three of us up here and with this panel, I believe that if it were up to us, we could sit down and craft a bill to take us somewhat closer to the goal of fair and timely elections.

I know that I could work with every single member. Ms. Hensley and Mr. Yazzi both have good, compelling points that we need to

remember any time we're trying to make changes in the system. Ms. Walker is objective and has presented good evidence about the concerns that we literally face in creating IDs for people.

And then Mr. Bryant, Ms. Perea and Representative Fox-Young have all presented good information, saying that we probably can do better. We should do better.

And so, from my perspective, from New Mexico, I appreciate you coming into the Second District and having this hearing. Because I believe if it were up to this panel here, the groups at the two tables, we could come to a resolution.

Unfortunately, we have to get 218 votes, not three votes, in the Congress. So it gets a little bit thornier as we spread it out across the country.

But I appreciate every single person's testimony today and the balance they bring to the—to the hearing.

And with that, I would give back my time, Mr. Chairman. Thanks again for being in the Second District of New Mexico.

The CHAIRMAN. Thank you. And it's been a real pleasure to be here today. And you saved me some work by giving the thank yous that I was going to give.

You've been a superb panel, very diverse but very articulate, very capable and you really made your points well. And that's extremely useful to us.

We have a series of hearings we're hoping to have on this issue, to go to the different states and find out what the problems are in various places.

I am just very delighted with the testimony and the responses that we heard. I know there are a lot of people who are here that are interested and haven't had a chance to speak. If anyone has a pressing need to talk to me afterwards, I will stick around for a little while and be happy to chat with you.

But our objective, as I said at the beginning, is to make sure that every person in this nation who is legally entitled to vote can vote without encumbrance, and at the same time, make sure that their vote is not diluted by people or organizations who are diluting the vote by having illegal votes cast. So that is my objective, and I'm going to try to be as fair as I can about it.

I certainly thank everyone here for their assistance. I thank Ms. Lofgren for coming out from California for this. And Representative Pearce was very helpful in organizing this session.

Ms. LOFGREN. Mr. Chair.

The CHAIRMAN. I have a little—yes?

Ms. LOFGREN. I would like to ask unanimous consent to submit several letters for the record, as well as the written statements from the witnesses.

The CHAIRMAN. Fine. Thank you.

[The information follows:]



August 3, 2006

House Administration Committee
1309 Longworth House Office Building
Washington, DC 20515

Dear Representative:

On behalf of the more than 900,000 members and activists of People For the American Way, we urge you to stand up for the right of all citizens to fully participate in our democratic society and oppose measures, such as Proposition 200 or other proof of citizenship or voter ID requirements, that seek to erect barriers to the ballot. Our American democracy is one of inclusion that thrives on the diversity of our populace and the full participation of its citizenry. Overly burdensome and unnecessary voter ID and proof of citizenship requirements are an anathema to this ideal and only serve to alienate and disenfranchise eligible citizens.

Election Fraud

Fraud takes many forms. While proponents of Proposition 200 and other voter ID requirements claim to be addressing the existence of massive "voter fraud," particularly by illegal immigrants, to date, there are no credible reports of significant fraud to support the need for such restrictive proposals. While it is true that the integrity of the electoral process must be protected, this can only be done by addressing actual problems that truly serve to undermine voter confidence. This necessarily includes procedures and actions by individuals and election administrators that will prevent eligible voters from participating in the electoral process. Voter intimidation and harassment of voters at the polls are some of the more obvious forms of activities that disenfranchise voters and contribute to fraud in our election process. Other actions such as election officials removing eligible voters from the registration rolls, the destruction of voter registration cards because of registrants' political affiliation, or the mass challenging of minority voters at the polling places are other fraudulent activities that must be addressed. Any definition that is not sufficiently broad to include such activities prevents decision makers from devising appropriate solutions.

Proof of Citizenship Requirements

Proof of citizenship requirements are unnecessary. Those registering to vote are already required to take an oath of citizenship. The extra requirement for providing documents only creates an additional hurdle for voters.

Unfortunately, proposals to require proof of citizenship are often a way to disguise racist and anti-immigrant sentiment and only serve to disenfranchise eligible citizens. This is because proponents know that proof of citizenship requirements are impossible for members of some communities to acquire and very hard for others. For instance, in certain parts of the country,

elderly African Americans and many Native Americans were born at home, under the care of midwives, and do not possess birth certificates. People of color, people with disabilities, elderly people, young people, and low-income citizens are among the demographic groups least likely to have documents in their possession to prove citizenship. Furthermore for victims of natural disasters like hurricane Katrina it may be impossible to obtain birth certificates or other documents because they have been destroyed.

Legislation such as the Voting Rights Act of 1965 and the Help America Vote Act have made it easier for all citizens to vote, and have resulted in increased voter participation by Latinos and other minorities. This progress should be continued and we should not allow retrogressive proposals like Proposition 200 or others to turn back the progress of these significant civil rights laws.

Voter Identification Requirements

Restrictive voter ID requirements are similarly unnecessary and harmful. Like proof of citizenship requirements, such voter ID requirements impose a severe burden and are likely to disenfranchise poor, minority, elderly and young voters, who are less likely to have photo identification and move more frequently. The data is clear:

- Approximately 6 to 10% of the American electorate does not have any form of state identification.
- African Americans are four to five times less likely than whites to have photo identification.
- Young adults (age 20-29) move almost 6 times more frequently than adults over 55, and minorities move 50% more frequently than whites.
- In Georgia, it is estimated that nearly 40% of seniors lack photo identification.

Instead of addressing unsubstantiated voter fraud, such restrictive voting measures erect barriers to the ballot and are likely to be enforced in discriminatory ways against poor and minority voters to intimidate, misinform, stigmatize, and ultimately suppress the vote.

Real Solutions

Even if fraud were a problem, there are positive steps that states can take to lessen the threat of fraud and protect the integrity of the ballot box without risking disenfranchising voters, such as implementing statewide voter registration databases as mandated by HAVA. Additional “fraud-protection” measures could include accurate cleansing of voter registration rolls, verification of voters’ unique identifying numbers, in-person affirmation, signature comparison, and finally, the vigorous prosecution of any cases of election fraud. These are real solutions to actual documented problems.

Conclusion

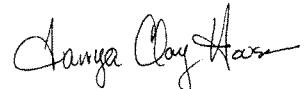
Since the 2000 Presidential Election, our sister organization, People For the American Way Foundation has been a leader in the Election Protection Coalition along with its allies the Lawyers’ Committee for Civil Rights under Law and the NAACP. Integral to Election

Protection was the deployment of thousands of volunteers across the country to serve as poll monitors to assist voters and document the problems voters faced as they attempted to exercise their right to vote. The data collected from volunteers and voters through reports from the field and through the Election Protection Hotline clearly evidence a need for election officials to address the real problems created by voter harassment and intimidation, the lack of machines at low-income and minority poll sites, improperly trained poll workers and the creation of overly burdensome voter registration procedures by partisan election officials just to name a few. These are the real problems that deserve the priority of election officials. Only then, can we truly maintain the integrity of our electoral system and protect the right to vote of all eligible citizens. Voter ID and proof of citizenship proposals are simply forms of a 21st century poll tax that have no business in our electoral process. The right to vote is fundamental and Congress should be focused on ways to open the franchise to all eligible citizens. PFAW looks forward to working with Congress to protect this right to vote for all Americans.

Sincerely,



Ralph G. Neas
President



Tanya Clay House
Director, Public Policy

Protect the Right to Vote

August 2, 2006

The Honorable Vernon Ehlers, Chairman
The Honorable Juanita Millender-McDonald, Ranking Member
Committee on House Administration
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Ehlers and Ranking Member Millender-McDonald:

We, the undersigned organizations, write to urge the United States House of Representatives Committee on House Administration to fully consider the disenfranchising effects of Arizona's Proposition 200. Already, Proposition 200 has forced election officials to prevent thousands of voters from being included on voter registration rolls because they did not produce proof of citizenship, including many eligible voter registration applicants. Proposition 200 will also disenfranchise countless eligible Arizonans during this fall's critical election cycle by requiring strict voter identification at the polling place. These restrictive provisions are rationalized by a few anecdotal stories of ineligible voters casting a ballot; however, all evidence suggests current state, federal and local laws have been successful in preventing this deplorable behavior while protecting the fundamental rights of eligible citizens.

Unlike the isolated incidents of ineligible people attempting to vote, the disenfranchising effects of proof of citizenship and restrictive voter identification requirements will make American elections less secure by unfairly influencing election results. The bottom line is Proposition 200 is terrible for Arizona; expanding its reach will be devastating for our country. As a partnership between Arizonans and national advocates who are dedicated to ensuring that all eligible citizens have an equal opportunity to participate in the political process, we write in opposition to the expansion of Proposition 200. We urge this committee to focus its attention on safeguarding the opportunity of all eligible Americans to meaningfully participate in the political process and not to restrict the rights of our fellow citizens based on exceedingly rare occurrences of ineligible voters casting a ballot.

Photo ID and proof-of-citizenship requirements *may sound* on the surface like a good idea. There is nothing wrong, in and of itself, with taking steps to ensure that voters are eligible to vote and that they are who they claim to be. But the provisions of Proposition 200 are a misguided approach that inherently disenfranchises large numbers of legal voters. We call your attention to a number of reasons why, instead of safeguarding elections, strict ID and proof-of-citizenship requirements will ultimately undermine confidence in the fairness of the outcomes:

Proof-of-Citizenship Requirements: A 21st Century Poll Tax

Citizens should not have to pay a fee to register to vote. Proof-of-citizenship requirements invariably put the burden – including the financial burden – on citizens themselves. While it would be ideal if all U.S. citizens had documents such as a passport, a birth certificate, or naturalization papers readily available, the truth is that many do not – which means that many citizens would have to pay for them.

A birth certificate usually costs \$10 to \$15. According to the Department of Bureau of Consular Affairs, only 25-27% of eligible Americans have passports, which now cost \$97. Naturalization papers, if they are lost or damaged and need to be replaced, cost \$210. Proof-of-citizenship requirements generally do not help citizens who don't have the money to pay for these documents. This means that exercising the constitutional right to vote can become "unaffordable" for many citizens which is completely unacceptable in a democratic society that relies upon full participation of its citizenry.

Proof of citizenship may be impossible for some people to obtain, and very hard for others. In certain parts of the country, for example, elderly African Americans and many Native Americans were born at home, under the care of midwives, and do not possess birth certificates. People of color, people with disabilities, the elderly, young, and people who live in poverty are among the groups least likely to have documents to prove they are U.S. citizens.

Proof-of-citizenship requirements are working – to keep legal voters from registering. Since Arizona implemented Prop 200, more than 15,000 voter registration applicants have been rejected in Maricopa County alone for failure to provide proof of citizenship. In Pima County, sixty percent of new registrants – all eligible voters – were initially rejected. Similar proof-of-citizenship requirements, if imposed in other states or by Congress, would result in eligible voters being turned away on a nationwide scale.

Current laws work when properly enforced. Falsely claiming citizenship and voting fraudulently have long been federal offenses. Proof-of-citizenship requirements will only penalize U.S. citizens who want to exercise their right to vote.

Voter Fraud: A Surprisingly Rare Problem

There is no question that election misconduct exists, *including improper purges of eligible voters, distributing false information about when and where to vote, stuffing of ballot boxes, and tampering with registration forms*. But there is no evidence that the type of fraud cited in support of photo ID requirements – individual voters who misrepresent their identity at the polls – is anything but an anomaly.

- In Ohio, a statewide survey found four instances of ineligible persons voting or attempting to vote in 2002 and 2004, out of 9,078,728 votes cast – a rate of 0.00004%.
- Despite the invocation of fraud as support for the new Georgia law, Secretary of State Cathy Cox stated that in her ten-year tenure, she could not recall one documented case of voter fraud involving the impersonation of a registered voter at the polls.
- Nationwide, since October 2002, 86 individuals have been convicted of federal crimes relating to election fraud (including several offenses not remedied by ID requirements), while 196,139,871 ballots have been cast in federal general elections.

Voter ID Requirements: Discouraging Voters, Enabling Discrimination

Restrictive voter ID requirements are more likely to disenfranchise people of color, the elderly, individuals with disabilities, rural voters, young people, the homeless, low-income people, frequent movers, married women, and persons in large households. A recent study by the Georgia Secretary of State found that nearly 700,000 Georgians – 1 in 7 voters – do not have either a driver's license or non-driver state issued ID, and the Department of Transportation estimates that between 6-12% of voters nationally do not have government issued photo ID. A number of other

studies have documented that certain segments of the population are far less likely to have photo ID than other Americans. A Univ. of Wisconsin study found that nearly 50% of African American and Latino men in Milwaukee do not have government-issued photo ID.

Restrictive ID requirements are the equivalent of a poll tax. This was, in fact, reiterated by the federal district court during the debate over Georgia's new Photo ID requirement. By mandating that voters provide photo identification, most ID laws would require voters to pay for photo ID, if they don't already have it. Getting the required forms of ID, such as drivers' licenses and passports, costs money and time away from work – and transportation is particularly complicated for voters with disabilities. The same is true of getting the supporting documents required to obtain ID. As a result, not all eligible voters in this country can afford to purchase photo ID, and few legislative proposals suggest any realistic way to help them out.

Even if they have valid ID, many eligible voters will be turned away. Voter ID requirements place an inordinate amount of discretion in the hands of overworked (and usually unpaid and sometimes poorly trained) poll workers. Deciding whether a voter matches or does not match the photo in an ID card – which can often be many years old – is a very subjective process and easily prone to mistakes or worse. Because many voter ID laws do not explain how disputes over the validity of an ID card should be handled, and because they often keep voters who don't have "valid" ID from obtaining provisional ballots, they can easily open the door to widespread racial and ethnic discrimination at polling places. Even under the more lenient requirements of the Help America Vote Act, ID provisions are often implemented in a discriminatory way. According to the nation's largest nonpartisan exit poll of Asian Americans, nearly 70% of Asian voters were asked for ID *in states where no ID was required.*

Voters with valid ID can be turned away for more benign reasons as well. If an ID card such as a driver's license does not contain the voter's current address, for example, which is true of millions of Americans, he or she is likely to be turned away from the polls. In Wisconsin, 97% of all students do not have their current address on their photo ID. If an eligible voter forgets to bring ID, some jurisdictions would keep him or her from obtaining a provisional ballot (and proving his or her identity before the ballot is counted). In doing so, they undermine an important "safety net" under the Help America Vote Act.

Conclusion

As evidenced most recently by our strong and enthusiastic support of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, our organizations believe that the right to vote, and to have votes accurately counted, is the most important civil right of all. Rigid and costly voter ID and proof-of-citizenship requirements, while appealing on the surface, represent one of the greatest threats to fair and equal voting rights today. As such, we urge you to join us in strongly opposing any proposal – such as the Carter-Baker Commission recommendations, H.R. 4844, or similar measures in the states – that would in practice amount to a poll tax and erect barriers to the ballot against lawful voters. We should be in the business of encouraging full participation of our citizenry and not developing ways to limit the right to vote.

Thank you for your consideration. If you have any questions, please contact Linda Brown of the Arizona Advocacy Network at (602) 297-2500, Jonah Goldman of the Lawyers' Committee for Civil Rights Under Law at (202) 662-8321, or Rob Randhava of the Leadership Conference on Civil Rights at (202) 466-6058.

Sincerely,

National Civil & Voting Rights and Labor Organizations:

ACORN
 Advancement Project
 Alliance for Retired Americans
 American Civil Liberties Union
 American Federation of Labor – Congress of Industrial Organizations (AFL-CIO)
 Asian American Justice Center
 Asian American Legal Defense and Education Fund
 Asian and Pacific Islander American Vote (APIAVote)
 Brennan Center for Justice at NYU School of Law
 Common Cause
 Demos: A Network for Ideas & Action
 Hispanic Federation
 Japanese American Citizens League (JACL)
 Lawyers Committee for Civil Rights Under Law
 Leadership Conference on Civil Rights
 Mexican American Legal Defense and Educational Fund
 National Association for the Advancement of Colored People (NAACP)
 National Council of La Raza
 National Disability Rights Network
 National Education Association
 National Korean American Service & Education Consortium
 National Voting Rights Institute
 People For the American Way
 Service Employees International Union (SEIU)
 Sikh American Legal Defense and Education Fund (SALDEF)
 Unitarian Universalist Association of Congregations
 United Church of Christ Justice & Witness Ministries
 United Methodist Church, General Board of Church and Society
 U.S. PIRG

State/Local Civil & Voting Rights and Labor Organizations:

Aquila Youth Leadership Institute
 American Civil Liberties Union of Arizona
 Arizona Advocacy Network
 Arizona Consumers Council
 Arizona Hispanic Community Forum
 Arizona Students' Association
 Emigrantes Sin Fronteras
 Interfaith Worker Justice of Arizona
 Intertribal Council of Arizona
 La Union Del Pueblo Entero (LUPE)
 League of Women Voters of Greater Tucson
 New York Public Interest Research Group, Inc./NYPIRG
 Project for Arizona's Future
 SEIU Local 5 Arizona
 Somos America/We Are America

Statement of Mike Taylor
New Mexico Association of Community Organizations for Reform Now
(ACORN)

“Securing the Vote”
August 3, 2006
Las Cruces, New Mexico
Committee on House Administration
U.S. House of Representatives

Chairman Ehlers and Distinguished Members of the Committee,

On behalf of New Mexico's Association of Community Organizations for Reform Now (ACORN), I wish to respond to the allegations made on August 3, 2006 at the House Administration's Committee hearing, *Securing the Vote*, in Las Cruces, New Mexico regarding ACORN's voter registration work in 2004.

Given that ACORN registered a record 35,540 new voters in New Mexico in 2004, we should have been commended for our work in getting more New Mexicans to the polls. Unfortunately, Vicky Perea, who is a candidate for Secretary of State in New Mexico, took the opportunity as an invited witness to resurrect false accusations made about ACORN's activities, despite the fact that ACORN corrected these allegations two years ago when they first appeared in the press. For example, the person found with registration cards and drug paraphernalia was determined NOT to be an employee of ACORN. However, because this assumption was made at the time of arrest, New Mexico ACORN has made repeated attempts to correct this information.

Furthermore, we are disappointed that the Committee hearing was used as a forum to spread, rather than dispel, misinformation about voter fraud. Rather than weighing the scant evidence of documented voter fraud against the overwhelming evidence that stringent voter ID requirements suppresses voter participation by historically disenfranchised groups, the Committee missed the opportunity to address a serious impediment to voting. As an organization that has registered and mobilized thousands of voters - especially Hispanics, African Americans and other hard-to-reach voters - ACORN is often the target of mean-spirited attacks that seek to discredit our work and our members. While we find this unsettling, ACORN members will not be deterred from our mission to secure the democratic right of every American citizen to cast his or her invaluable vote. We have come too far for that.

Sincerely,

Mike Taylor
New Mexico ACORN

The CHAIRMAN. I've got a little bookkeeping here to do before we close.

First of all, I want to thank again our distinguished witnesses for their time, preparation and thoughtful comments. And it does take time to prepare the thoughtful comments you presented.

And I appreciate the staffs of the various representatives for their work here and the additional work in setting up this hearing.

I ask unanimous consent that members and witnesses have seven calendar days to submit material for the record, including additional questions of the witnesses, and for those statements and materials to be entered into the appropriate place in the record.

Without objection, the material will be so entered.

I ask unanimous consent that staff be authorized to make technical and conformity changes on all matters considered by the committee at today's hearing.

Without objection, so ordered.

My final comment, I agree with you in the three points you raised about the immigration bill. And I'm hopeful that we can—if we pass a bill, we can certainly take care of at least those three points.

With that, once again, thank you very much. And the hearing is adjourned.

[Whereupon, at 11:14 a.m., the committee was adjourned.]

